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The **NORTH CAROLINA REGISTER**

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Volume 3 • Issue 10 • Pages 401-507



INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

NORTH CAROLINA REGISTER

The *North Carolina Register* is published bi-monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed, administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately fifty pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of ninety-five dollars (\$95.00) for 24 issues.

Requests for subscriptions to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: *Subscriptions*.

ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include the time and place of the public hearing; a statement of how public comments may be submitted to the agency either at the hearing or otherwise; the text of the proposed rule or amendment; a reference to the Statutory Authority for the action and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any **amendment** which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Unless a specific statute provides otherwise, at least 30 days must elapse following publication of the proposal in the *North Carolina Register* before the agency may conduct the required public hearing and take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule for approval by the Administrative Rules Review Commission. Upon approval of ARRC, the adopted or amended rule must be filed with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, upon request by the agency, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule cannot become effective earlier than the first day of the second calendar month after the adoption is filed with the Office of Administrative Hearings for publication in the NCAC.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in

effect for the period specified in the rule or 180 days whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter sized, single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

- (1) Single pages may be obtained at a minimum cost of two dollars and 50 cents (\$2.50) for one page or less, plus fifteen cents (\$0.15) per each additional page.
- (2) The full publication consists of 52 volumes totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. A one year subscription to the full publication including supplements can be purchased for seven hundred and fifty dollars (\$750.00). Individual volumes may also be purchased with supplement service. Renewal subscriptions for supplements to the initial publication available.

Requests for pages of rules or volumes of the NCAC should be directed to the Office of Administrative Hearings.

NOTE

The foregoing is a generalized statement of the procedures to be followed. For specific statutory language it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes be examined carefully.

CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue number and date. **1:1 NCR 101-201, April 1, 1986** refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1986.

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NORTH CAROLINA REGISTER



Office of Administrative Hearings
P. O. Drawer 11666
Raleigh, NC 27604
(919) 733 - 2678

Robert A. Melott,
Director
James R. Scarcella Sr.,
Deputy Director
Molly Mason,
Assistant Director

Staff:
Ruby Creech,
Publications Coordinator
Teresa Kilpatrick,
Editorial Assistant
Jean Shirley,
Editorial Assistant
Latarsha Roberts,
Records Clerk

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NORTH CAROLINA REGISTER
Publication Deadlines and Schedules
 (March 1988 - March 1989)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing & Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****
08/01/88	07/11/88	07/18/88	08/31/88	12/01/88
08/15/88	07/26/88	08/02/88	09/14/88	12/01/88
09/01/88	08/11/88	08/18/88	10/01/88	01/01/89
09/15/88	08/26/88	09/02/88	10/15/88	01/01/89
10/03/88	09/12/88	09/19/88	11/02/88	02/01/89
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11/15/88	10/26/88	11/02/88	12/15/88	03/01/89
12/01/88	11/07/88	11/15/88	12/31/88	04/01/89
12/15/88	11/23/88	12/02/88	01/14/89	04/01/89
01/02/89	12/08/88	12/15/88	02/01/89	05/01/89
01/16/89	12/27/88	01/03/89	02/15/89	05/01/89
02/01/89	01/10/89	01/17/89	03/03/89	06/01/89
02/15/89	01/26/89	02/02/89	03/17/89	06/01/89
03/01/89	02/08/89	02/15/89	03/31/89	07/01/89
03/15/89	02/21/89	03/02/89	04/14/89	07/01/89

* The "Earliest Effective Date" is computed assuming that the public hearing and adoption occur in the calendar month immediately following the "Issue Date", that the agency files the rule with The Administrative Rules Review Commission by the 20th of the same calendar month and that ARRC approves the rule at the next calendar month meeting.

VOTING RIGHTS ACT FINAL DECISION LETTERS

[G.S. 120-30.9H, effective July 16, 1986, requires that all letters and other documents issued by the Attorney General of the United States in which a final decision is made concerning a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 be published in the North Carolina Register.]

U.S. Department of Justice
Civil Rights Division

WBR:MAP:TGL:svw
DJ 166-012-3
T9913-9916
W2806

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

July 5, 1988

DeWitt F. McCarley, Esq.
City Attorney
P.O. Box 7207
Greenville, North Carolina 27835-7207

Dear Mr. McCarley:

This refers to the four annexations [Ordinance Nos. 1814, 1815, 1816, and 1836 (1988)] and the designation of the annexed areas for the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on May 6, 1988.

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

U.S. Department of Justice
Civil Rights Division

WBR:LLT:TGL:dvs
DJ 166-012-3
W1678
W3482

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

July 22, 1988

David A. Holec, Esq.
City Attorney
P.O. Box 1388
Lumberton, North Carolina 28359-1388

Dear Mr. Holec:

This refers to the annexation [Ordinance No. 1038 (1988)] and the designation of the annexed area to Precinct No. 1 for the City of Lumberton in Robeson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on June 1, 1988.

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

[The following Statements of Organization were submitted to the Director of the Office of Administrative Hearings for publication pursuant to G.S. 150B-10 and 26 NCAC 2B .0102.]

NORTH CAROLINA DEPARTMENT OF ADMINISTRATION

The Department of Administration (DOA) was created by the 1957 General Assembly in an effort to consolidate many of the administrative aspects of State Government. The Executive Organization Act of 1973 recreated the Department and established the Department as one of nineteen major departments of State Government. The head of the Department is the Secretary who is appointed by the Governor and serves at the pleasure of the Governor.

The Department of Administration has two primary duties:

1. Advance the effective management, efficient operation and fair conduct of the executive branch.
2. Host boards and commissions representing various segments of North Carolina's population that have traditionally been underrepresented.

The Department is organized into Divisions and Agencies with brief descriptions as follows:

OFFICE OF THE SECRETARY

Board of Science and Technology

The purpose of this Board is to identify important research needs of both public and private institutions and organizations in North Carolina; to make recommendations concerning policies, procedures, and organizational structures that will promote effective use of scientific and technological resources in fulfilling the research needs identified, and to support research projects, purchase research equipment and supplies, construct or modify research facilities and to employ consultants from funds made available to the Board.

Council on the Status of Women

The primary responsibility of the Council is to advise the Governor, the North Carolina Legislature, and other principal state departments on the special needs of women in North Carolina.

In addition, the Council identifies and assesses women's needs, collects and distributes information, coordinates efforts within the state to meet the special needs of women, acts as a resource for the county and regional Councils on the Status of Women, and encourages innovative programs for women.

The North Carolina Council on the Status of Women is the only state agency which advocates exclusively on behalf of women's needs. It continually assesses the problems and potential of women throughout the state and it offers a variety of programs and services based on the following priorities: equal opportunities in employment and education for women, services to women in crisis, and coordination among groups and individuals working on behalf of women.

Division of Policy and Planning

This division encourages and assists in the development of the planning process within the agencies of state and local government; develops and maintains liaison and cooperative arrangements with federal, interstate, state, private agencies, and organizations in the interest of obtaining information and assistance with respect to state and regional planning; assists state agencies by providing them with information and technical assistance needed in preparing their short-range and long-range programs; and develops and maintains a comprehensive plan for development of the state, representing the coordinated efforts and contributions of all participating planning groups.

Division of Veterans Affairs

This office assists veterans, their dependents, and the dependents of deceased veterans in obtaining and maintaining those rights and benefits to which they are entitled by law.

DOA Personnel

This office is responsible for recruitment, hiring, grievance and appeal procedures, classification of positions to ensure equitable compensation for

all employees, monitoring the departmental affirmative action plan, and implementation of the State Personnel System within the department.

DOA Public Information Office

The duties of this office include preparation of news releases, the editing of and supervision over production of official publications and the design and production of visual aids.

Intergovernmental Relations

This office contains the State Clearinghouse which coordinates the state agency and local government intergovernmental review process. Notifications of intent to apply for federal funds and environmental review documents are submitted for comment.

The office also provides staff support for the state's participation in national and regional organizations such as the National Governors' Association and the Southern Governors' Association. It manages the Appalachian Regional Council program and staffs the Local Government Advocacy Council.

Office of Administrative Analysis

This office provides cost-free consulting services to state agencies to help make improvements in organization, methods, equipment use, staffing levels, cost reduction, and procedures.

Office of Fiscal Management

This office accounts for all fiscal activity of the department in conformity with requirements of the Office of State Budget and Management, the Department of State Auditor, and federal funding agencies.

State Telecommunications Office

This office provides for the establishment, management, and operation, through either State ownership or commercial leasing of the following systems and services as they effect the internal management and operation of State government:

1. Central telephone systems and telephone networks;
2. Teleprocessing systems;

3. Teletype and facsimile services;
4. Satellite services;
5. Closed-circuit TV systems;
6. Two-way radio systems;
7. Microwave systems;
8. Related systems based on telecommunications technologies.

GOVERNMENT OPERATIONS

Agency for Public Telecommunications

This agency offers media production services, satellite and audio teleconferencing, and production and distribution of radio and television public service announcements for state agencies.

Division of Purchase and Contract

This office serves as the central purchasing activity for state government and certain other entities. Contracts are established for the purchase, lease and lease-purchase of the goods and services required by all state agencies, institutions, public school districts, community colleges, and the university system.

General Services Division

The General Services Division manages, directs, coordinates, and plans the daily activities of the six branches that constitute the General Services Division including centralization of personnel and purchasing and fiscal procedures. It acts as the coordinating point in contact with the Secretary's Office, other DOA Sections and Agencies, the Governor's Office and other agencies that may use or inquire about the services available from the Capitol Police, Motor Fleet Management, Government Printing Office, Courier Service, State Surplus Property, Federal Surplus Property, and the DOA Mailroom and Expendable Supply Store. It engages in planning and possibly expanding the units constituting General Services and their availability to all agencies in state government and other qualified constituents.

Courier Service A receipt-supported operation, this service provides courier mail and inter-office mail to local state government offices and 89 counties in North Carolina.

Federal Surplus Property This office acquires and distributes available federal sur-

plus property needed by the eligible recipients in the state and funds costs for operations through receipts from sales.

Motor Fleet Management This office is responsible for the approximately 4,000 vehicles owned by state government. Aside from purchasing and maintenance of state vehicles, this office enforces state regulations relating to their use.

State Capitol Police This law enforcement agency, with police powers throughout the city of Raleigh, provides security and property protection functions for state government facilities within the Capitol City. This agency is also responsible for enforcement of regulations in state-operated parking lots.

State Government Printing Office A receipt-supported operation, this office provides typesetting and printing services throughout state government.

State Surplus Property This office is responsible for the sale of all supplies, materials, and equipment owned by the state and considered to be surplus, obsolete, or unused.

Physical Plant Division

The Physical Plant Division manages, directs, coordinates and plans the daily activities of the five sections that constitute the Physical Plant including centralization of personnel and purchasing and fiscal procedures. It acts as the coordinating point in contact with the Secretary's Office, other DOA sections and agencies, the Governor's Office and other agencies that may use or inquire about the services available from Construction Services, Building Services, Landscape Services, and Housekeeping Services. It engages in planning and possibly expanding the units constituting Physical Plant and their availability to all agencies in state government and other qualified constituents. The Physical Plant Director also oversees the Art Museum management.

State Construction Office

This office is responsible for the administration of the planning, design, and construction of all state facilities, including the

university and community college systems. It also provides the architectural and engineering services necessary to carry out the capital improvement program for all state institutions and agencies.

State Property Office

This office is responsible for state government's acquisition and disposition of all interest in real property whether by purchase, sale, exercise of the power of eminent domain, lease, or rental. This office also prepares and keeps current a computerized inventory of all land holdings and buildings owned or leased by the state or any state agency.

PROGRAMS

Governor's Advocacy Council for Persons with Disabilities

The Council pursues appropriate remedies, including legal ones, on behalf of disabled citizens who feel they have been the subject of discrimination. The Council also offers technical assistance regarding disability issues, promotes employment opportunities for disabled persons, and reviews policies and legislation relating to these persons.

North Carolina Commission of Indian Affairs

The Commission is responsible for bringing local, state and federal resources into focus for the implementation or continuation of meaningful programs for the Indian citizens of North Carolina.

North Carolina Human Relations Council

The NCHRC provides services and programs aimed at improving relationships among all citizens of this state, while seeking to ensure equal opportunities in the areas of employment, housing, public accommodation, recreation, education, justice, and governmental services. The Council also enforces the North Carolina Fair Housing Law.

Office of Marine Affairs

The Office of Marine Affairs advocates and promotes public awareness, appreciation and wise utilization of the natural and cultural resources of coastal North Carolina. The three North Carolina Aquariums provide educational opportunities; the Marine Science Council recommends state ocean policies and encourages marine research; and the Outer Continental Shelf Resources Recovery Program ensure stewardship while providing state participation in regional and federal resource utilization efforts.

Youth Advocacy and Involvement Office

YAIO seeks to tap the productivity of the youth of North Carolina through their participation in community services and the development of youth leadership capabilities. The office provides case advocacy to individuals in need of services for children and youth.

504 Steering Committee

This committee, appointed by the Governor, oversees the state's compliance with Section 504 of the Federal Rehabilitation Act of 1973. Federal funding requirements have been established for the accessibility for state government facilities and programs.

The public may obtain information about and make submissions or requests to the Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27603-8003. Telephone (919) 733-7232.

**NORTH CAROLINA DEPARTMENT OF
AGRICULTURE**

The North Carolina Department of Agriculture is a statutorily created agency G.S. 106-2, within the executive branch of the state government. The Commissioner of Agriculture, a statewide elected official as provided for in Article III, Section 7(1) of the North Carolina Constitution, is the head of the Department of Agriculture and is a member of the Council of State. The Department of Agriculture is organized into thirteen divisions. A number of boards and commissions are administratively located in the Department.

A. Departmental Divisions:

1) Agricultural Statistics

The Agricultural Statistics Division is responsible for collecting, preparing, and disseminating regular series of official crop, livestock and price estimates along with other statistics relative to agriculture in North Carolina and the nation.

Mailing Address:
Agricultural Statistics Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7293

2) Agronomic Services

The Agronomic Services Division performs laboratory analysis of soil and plant samples for farmers and homeowners. Tests determine the fertility of soil and the nutrient quantity and balance of plants through tissue analysis. Nematodes are quantified from soil and plant root samples and diseases are diagnosed. Fertilizer application and nematode management recommendations are made based on test results. Growers are assisted in the field with problem diagnosis and optimum crop production strategies by Regional Agronomists.

Mailing Address:
Agronomic Services Division
N. C. Department of Agriculture
Blue Ridge Road Center
Raleigh, NC 27611
Telephone: (919) 733-2657

3) Food Distribution

The Food Distribution Division operates in cooperation with the USDA to provide food at no cost for distribution to schools of high school grade or under, charitable institutions and needy persons. It is the responsibility of this division to requisition, store, and deliver the food.

Mailing Address:
Food Distribution Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7661

4) Food and Drug Protection

The Food and Drug Protection Division assures consumers that foods, feeds, drugs, cosmetics, pesticides, and automotive antifreezers are safe, wholesome and properly labeled. Statewide inspections and chemical analyses offer protection against unsafe, deceptive and fraudulent products. Annual registration of pesticides offered for sale within North Carolina and pesticide applicator licensing and certification is administered by the Pesticide Section.

Mailing Address:
Food and Drug Protection Division
N. C. Department of Agriculture
4000 Reedy Creek Road
Raleigh, NC 27607
Telephone: (919) 733-7366

Mailing Address:
Pesticide Section
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3556

5) Marketing

The Marketing Division promotes the sale of North Carolina agriculture food products, reports farm prices on major commodities and determines and certifies the official grade of farm products. The Marketing Division also organizes special livestock sales, arranges buyer-seller contacts, provides marketing advice and assistance to producers, processors and handlers and administers the N. C. Egg Law and the Farm Products marketing and branding law. Regional Farmers Markets in Raleigh, Charlotte and Asheville are also operated by the Marketing Division.

Mailing Address:
Marketing Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7887

6) Museum of Natural Sciences

The Museum of Natural Sciences Division maintains collections and disseminates knowledge concerning the natural history (flora, fauna, minerals, fossils and ecology) of North Carolina through (1) temporary and permanent exhibits;

(2) systematic collections and data files in the charge of taxonomic specialists trained to solve problems of identification and classification; (3) ecological and other field studies of southeastern biota; (4) educational services including teacher education programs, vocational training, curriculum and program development, classes, lectures and preparation of popular and educational materials on natural history topics; (5) publication of natural history books, papers, articles, pamphlets, and similar materials; and (6) operation of the N. C. Maritime Museum.

Mailing Address:
Museum of Natural Sciences Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7450

Mailing Address:
N. C. Maritime Museum
N. C. Department of Agriculture
315 Front St.
Beaufort, NC 28516
Telephone: (919) 728-7317

7) North Carolina State Fair

The North Carolina State Fair Division is responsible for the annual North Carolina State Fair in October. During non-Fair time, the North Carolina State Fair rents various Fair Facilities to the general public for special events.

Mailing Address:
North Carolina State Fair Division
N. C. Department of Agriculture
1025 Blue Ridge Blvd.
Raleigh, NC 27607
Telephone: (919) 733-2145

8) Plant Industry

The Plant Industry Division performs fertilizer and seed examinations to check for accuracy in labeling and quality of product. The Division also administers Plant Pest laws.

Mailing Address:
Plant Industry Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3930

9) Public Affairs

The Public Affairs Division is responsible for disseminating pertinent information to the public through news releases and other media contacts. The division is also responsible for publishing "Agriculture Review." Media questions may be directed to the Division, and they will be channeled to the proper individual if further expertise is required.

Mailing Address:
Public Affairs Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-4216

10) Research Stations

Fifteen research stations and four state farms comprise the Research Stations Division of the Department of Agriculture. The research stations cooperate with scientists at the land-grant universities to develop new agronomic products and trends, working in conventional crops but also working in new crops to the state. Research is also conducted on the State Farms, whose primary purpose is to produce food for state institutions.

Mailing Address:
Research Stations Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3236

11) Standards

The Standards Division administers the weights and measures program which includes the verification of the accuracy of commercial weighing and measuring devices and the inspection of packaged items for compliance with net contents statements. The Division also tests petroleum products and inspects LP Gas installations.

Mailing Address:
Standards Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3313

12) Structural Pest Control

The Structural Pest Control Division is responsible for licensing commercial pest control operators within North Carolina. It is also the responsibility of the Division to inspect the quality of work performed by licensed operators, and to enforce pesticide safety requirements.

Mailing Address:
Structural Pest Control Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-6100

13) Veterinary

The Veterinary Division monitors all animal disease outbreaks and administers animal health programs in North Carolina. The Division also provides veterinary diagnostic services and animal health inspections. All processing and slaughter facilities in the state are inspected by the Division to insure cleanliness of the operation and wholesomeness of the finished product. The Division also regulates dog and cat dealers under the Animal Welfare Act.

Mailing Address:
Veterinary Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7601

Mailing Address:
Rollins Diagnostic Laboratory
2101 Blue Ridge Road
P. O. Box 12223,
Cameron Village Station
Raleigh, NC 27605
Telephone: (919) 733-3986

B. Boards and Commissions

1) North Carolina Agricultural Hall of Fame
Board of Directors

The North Carolina Agricultural Hall of Fame Board of Directors was created by G.S. 106-568.14. The eight-member Board of Directors is composed of the Commissioner of Agri-

culture, the Director of the North Carolina Extension Service, the State Supervisor of Vocational Agriculture, the President of the North Carolina Farm Bureau, and the Master of the State Grange, as ex-officio members, and three members appointed by the Governor.

The Board of Directors is authorized to adopt rules and regulations which govern the acceptance and admission of candidates to the North Carolina Agricultural Hall of Fame Rules promulgated by the board are codified in 2 NCAC 31.

Mailing Address:
Public Affairs Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-4216

2) Board of Agriculture

The Board of Agriculture was created by G.S. 106-2. The eleven-member Board of Agriculture is composed of the Commissioner of Agriculture, an ex-officio member who serves as the board's Chairman, and ten members appointed by the Governor.

The Board of Agriculture is a policymaking body with respect to the improvement of agriculture and a rulemaking body with respect to all programs administered by the Department of Agriculture, exclusive of Pesticides, Plant Conservation, Gasoline and Oil Inspection and Structural Pest Control. Rules promulgated by the board are codified in 2 NCAC.

Mailing Address:
Secretary, Board of Agriculture
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7125

3) Board of Crop Seed Improvement

The Board of Crop Seed Improvement was created by G.S. 106-269. The board promotes the development and distribution of pure strains of crop seed to North Carolina farmers. The board is authorized to adopt rules and regulations which relate to the certification of pure crops seeds. Rules promulgated by the board are codified in 2 NCAC 29.

Mailing Address:
Board of Crop Seed Improvement
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3930

4) State Farm Operations Commission

The State Farm Operations Commission was created by G.S. 106-26.13. The seven-member committee develops policies for the use and operation of the State Farm Units.

Mailing Address:
State Farm Operations Commission
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3236

5) Gasoline and Oil Inspection Board

The Gasoline and Oil Inspection Board was created by G.S. 119-26. The five-member board is composed of the Commissioner of Agriculture, the Director of the Standards Division and three members appointed by the Governor.

The board is authorized to adopt rules and regulations which govern the quality, labeling, transportation and inspection of liquid motor fuels, kerosene and other heating oils. Rules promulgated by the board are codified in 2 NCAC 42.

Mailing Address:
Standards Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3313

6) North Carolina Public Livestock Market Advisory Board

The North Carolina Public Livestock Market Advisory Board was created by G.S. 106-407.1. The eight-member board serves in an advisory capacity to the Commissioner of Agriculture and the Board of Agriculture on issues which relate to the livestock markets and proposes rule changes related to this area. The board also is

required to attend any hearing for a license to operate a public livestock market.

Mailing Address:
Veterinary Division
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7601

7) Advisory Commission for the Museum of Natural Sciences

The Advisory Commission for the Museum of Natural Sciences was created by G.S. 143-370. The nine-member commission establishes policies for the Museum and works to promote and develop the Museum and its resources.

Mailing Address:
Museum of Natural Sciences
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7430

8) Structural Pest Control Committee

The Structural Pest Control Committee was created by G.S. 106-65.23. The five-member committee is authorized to adopt rules and regulations which regulate Structural Pest Control activities. The committee is an occupational licensing board with respect to Structural Pest Control operators in North Carolina. Rules promulgated by the committee are codified in 2 NCAC 34.

The committee has the authority to deny, revoke, suspend or modify the license, certified applicator's card or identification card of any person adjudged to have violated the Law or Regulations.

Mailing Address:
Secretary,
Structural Pest Control Committee
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-6100

9) North Carolina Pesticide Board

The Pesticide Board was created by G.S. 143-436. The seven-member board is authorized to adopt rules and regulations which govern the nonstructural application, sale, disposal, and registration of pesticides and the licensing and certification of pesticide applicators. The board is an occupational licensing board with respect to commercial pesticide applicators and private pesticide applicators. Rules promulgated by the board are codified in 2 NCAC 9L. The board has the authority to access civil penalties and to suspend, revoke, deny or modify the licenses of persons adjudged to have violated the Law or Regulations.

Mailing Address:
Secretary,
North Carolina Pesticide Board
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3556

10) Pesticide Advisory Committee

The Pesticide Advisory Committee was created by G.S. 143-439. The nineteen-member committee is appointed by the Pesticide Board. The committee serves in an advisory capacity to the Commissioner of Agriculture and the Pesticide Board on technical questions submitted to it and the development of rules and regulations which relate to pesticides.

Mailing Address:
Pesticide Advisory Committee
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-3556

11) North Carolina Plant Conservation Board

The North Carolina Plant Conservation Board was created by G.S. 106-202.14. Four members of the seven-member board are appointed by the Governor and the remaining members are appointed by the Commissioner of Agriculture. The board is authorized to adopt rules and regulations which classify plant species as either endangered, threatened or of special concern when necessary, and regulate the handling of classified plants. Rules promulgated by the board are codified in 2 NCAC 10.

STATEMENTS OF ORGANIZATION

Mailing Address:
Plant Protection Section
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-6930

12) North Carolina Plant Conservation Scientific Committee

The North Carolina Plant Conservation Scientific Committee was created by G.S. 106-202.17. The ten-member committee serves in an advisory capacity to the North Carolina Plant Conservation Board on matters relating to plant species classified as either endangered, threatened or of special concern.

Mailing Address:
Plant Protection Section
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-6930

13) North Carolina Agricultural Finance Authority

The North Carolina Agricultural Finance Authority was created by G.S. 122D-4. The ten-member Finance Authority is empowered to provide capital and credit at interest rates within the financial means of persons and businesses engaged in agriculture and agricultural exports.

Mailing Address:
Secretary, North Carolina
Agricultural Finance Authority
North Carolina Department of
Agriculture
Suite 406
19 W. Hargett Street
Raleigh, NC 27601
Telephone: (919) 733-0635

14) North Carolina Grape Growers Council

The North Carolina Grape Growers Council was created by G.S. 106-750. The eleven-member Council is appointed by the Commissioner of Agriculture. The Council promotes the growth and development of North Carolina's grape and wine industry.

Mailing Address:
Secretary, North Carolina
Grape Growers Council
Markets Division
North Carolina Department of
Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7136

15) Rural Rehabilitation Corporation Board of Directors

The Rural Rehabilitation Corporation Board of Directors was created by G.S. 137-31.3. The nine-member Board acts as the governing body of the North Carolina Rural Rehabilitation Corporation which serves as a social and financial instrumentality in assisting to rehabilitate farm families by enabling them to secure subsistence and gainful employment from the soil.

Mailing Address:
Secretary, Rural Rehabilitation
Corporation
Fiscal Management Division
North Carolina Department of
Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-2113

16) Northeastern North Carolina Farmers Market Commission

The Northeastern North Carolina Farmers Market Commission was created by G.S. 106-720. The nine-member Commission is empowered to establish a farmers market in northeastern North Carolina that will facilitate the sale and marketing of agricultural commodities produced in the area. The Commission also serves in an advisory capacity to the Commissioner of Agriculture on the operation of the market.

Mailing Address:
Chairman, Northeastern North
Carolina Farmers Market Commission
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7125

17) Northeastern Farmers Market Advisory Board

The Northeastern Farmers Market Advisory Board was created by G.S. 106-721. The Board consists of one member from each of the counties served by the Northeastern North Carolina Farmers Market, appointed by the Commissioner of Agriculture. The Board serves in an advisory capacity to the Northeastern North Carolina Farmers Market Commission.

Mailing Address:
Secretary, Northeastern Farmers
Market Advisory Board
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7125

18) Southeastern North Carolina Farmers Market Commission

The Southeastern North Carolina Farmers Market Commission was created by G.S. 106-727. The nine-member Commission is empowered to establish a farmers market in southeastern North Carolina that will facilitate the sale and marketing of agricultural commodities produced in the area. The Commission also serves in an advisory capacity to the Commissioner of Agriculture on the operation of the market.

Mailing Address:
Chairman, Southeastern North Carolina
Farmers Market Commission
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7125

19) Southeastern Farmers Market Advisory Board

The Southeastern Farmers Market Advisory Board was created by G.S. 106-728. The Board consists of one member from each of the counties served by the Southeastern North Carolina Farmers Market, appointed by the Commissioner of Agriculture. The Board serves in an advisory capacity to the Southeastern North Carolina Farmers Market Commission.

Mailing Address:
Secretary, Southeastern Farmers

Market Advisory Board
N. C. Department of Agriculture
P. O. Box 27647
Raleigh, NC 27611
Telephone: (919) 733-7125

**NORTH CAROLINA OFFICE OF THE
STATE AUDITOR**

The State Auditor is an elected official of the State of North Carolina. He is the administrative head of the State Auditor's Office and is a member of the Council of State.

The Auditor's Office is responsible for financial and legal compliance audits for all state departments, institutions and clerks of court. An important part of the audit function is the annual audit of the general purpose financial statements included in the State of North Carolina's comprehensive annual financial report. This report is widely circulated throughout the nation and is heavily relied upon by bondholders and federal authorities.

Audits are conducted in conformity with G.S. 147 and the Federal Single Audit Act of 1984. They are accepted as meeting the necessary standards of the various inspectors general of federal grantor agencies.

In addition, the State Auditor's Office audits state programs and activities and reports on their economy, efficiency and whether they achieve results intended.

The audit staff is supervised by two deputies, and audit director and five audit managers. It has a staff of 135 professionals.

The State Auditor also administers the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. The fund has a current membership of approximately 22,000 active and 4,000 retired members.

**NORTH CAROLINA DEPARTMENT OF
CORRECTION**

The North Carolina Department of Correction is authorized under Article III, Section 11 of the Constitution of North Carolina as a principal department of State government. Pursuant to the Executive Organization Act of 1973, the Department is organized to include the Board of Correction, the Division of Adult Probation and Parole, the Division of Prisons, and the Parole Commission. In 1974, the General Assembly

created the Inmate Grievance Commission as an autonomous agency within the Department.

The primary responsibility of the Department is to provide for the control and rehabilitation of criminal offenders committed to its custody.

The administrative head of the Department is the Secretary of Correction, who is appointed by and serves at the pleasure of the Governor.

The Board of Correction shall assist the Secretary in the development of priorities and major programs within the Department. Board members are appointed by and serve at the pleasure of the Governor.

The Division of Adult Probation and Parole is responsible for the supervision of probationers and parolees within the state. Additionally, it operates seven pre-release and aftercare centers which are designed to facilitate social adjustment of the former offender. The public may obtain information from the Division at 401 Glenwood Avenue, Raleigh, North Carolina, 27605, and by telephone at (919) 733-7333.

The Division of Prisons is responsible for the management and operation of 86 prison facilities for the state prison system. It is divided into four commands: Eastern Geographic, Western Geographic, Youth Services, and the Institutional Command. The public may obtain information from the Division of Prisons at 831 West Morgan Street, Raleigh, North Carolina, 27603, and by telephone at (919) 733-3226.

The North Carolina Parole Commission is comprised of five full-time members appointed by the Governor. It is an autonomous agency within the Department. The Parole Commission determines parole eligibility and assists the Governor's Office with commutation and pardons. It is also authorized to revoke or suspend paroles. The public may obtain information from the Parole Commission at 831 West Morgan Street, Raleigh, North Carolina, 27603, and by telephone at (919) 733-3414.

The Inmate Grievance Resolution Board is comprised of five members appointed by the Governor. The purpose of this Board is to provide inmates with an administrative process for resolution of grievances or complaints. The public may obtain information from the Inmate Grievance Resolution Board at 401 Glenwood Avenue, Raleigh, North Carolina, 27605, and by telephone at (919) 733-2551.

The public may obtain information about and make submissions or requests to the Department of Correction in person at 214 West Jones Street, Raleigh, North Carolina, 27603-1337, and by telephone at (919) 733-4926.

NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES

The Department of Cultural Resources was created in 1971. The first cabinet level agency of its kind in the United States, the new department brought together a number of existing councils, commissions, and agencies for the first time.

It is the task and function of the Department of Cultural Resources to assist in the preservation, protection and continuation of our heritage for future generations.

This is done through the operation of the Department's three major divisions: Archives and History, the State Library, and the Arts Council, and two semi-autonomous agencies, the Museum of Art and the North Carolina Symphony.

NORTH CAROLINA STATE BOARD OF ELECTIONS

The State Board of Elections serves the electorate by appointing and training County and Municipal Election Officials prior to each primary and election as mandated by law, providing copies of all election laws, rules and regulations, and ballots and registration forms as prescribed by law.

The State Board must hear and act on complaints on failure or neglect of a Board of Elections as well as conduct investigations and hearings on complaints of fraud and irregularities in any elections or the Campaign Reporting Act, preparing presentations to Grand Juries.

The Campaign Reporting Office provides the public with campaign disclosures of campaign contributions and expenditures by candidates and committees and provides supervision of County Boards of Elections.

NORTH CAROLINA DEPARTMENT OF HUMAN RESOURCES

The North Carolina Department of Human Resources is one of the principal departments in the Executive Branch of State government. Its

mission is to deliver or oversee the delivery of human services to the citizens of North Carolina and to participate in the development of human resources in the State.

To accomplish these objectives, the Department of Human Resources works to obtain needed legislation in the subject areas under its authority, adopts rules to govern the administration of its programs, and channels State and Federal funds to many local grantees and provider agencies in the service delivery system. As the supervision of programs and the allocation of funds carry with them significant responsibilities, the Department of Human Resources performs monitoring and enforcement functions as well.

The Secretary of the Department of Human Resources, the administrative head of the agency, is appointed by the Governor and serves at the pleasure of the Governor.

The Department of Human Resources is divided into the following divisions:

- (1) Division of Aging;
- (2) Division of Facility Services;
- (3) Division of Health Services;
- (4) Division of Medical Assistance;
- (5) Division of Mental Health, Mental Retardation, and Substance Abuse Services;
- (6) Division of Services for the Blind;
- (7) Division of Social Services;
- (8) Division of Vocational Rehabilitation Services;
- (9) Division of Youth Services; and
- (10) North Carolina Schools for the Deaf and Blind.

Members of the public may obtain information from and make submissions or requests to the Department of Human Resources by communicating with the agency in writing or in person at 325 North Salisbury Street, Raleigh, North Carolina 27611 or by calling 1-800-662-7030. Inquiries concerning specific programs or subject areas within the purview of the Department of Human Resources may also be directed to the appropriate division.

NORTH CAROLINA DEPARTMENT OF JUSTICE

The North Carolina Department of Justice was created and placed under the supervision and direction of the Attorney General. The Attorney General is an elected officer of the State and serves for a term of four years. The duties of the department are: to defend all actions in the appellate division in which the State shall be interested, or a party, and to appear for the State in any other court or tribunal in any cause or matter, civil or criminal, in which the State may be a party or interested; represent all State departments, agencies, institutions, commissions, bureaus or other organized activities of the State which receive support in whole or in part from the State; to consult with and advise the prosecutors, when requested by them, in all matters pertaining to the duties of their office; to give, when required, opinions upon all questions of law submitted by the General Assembly, or by either branch thereof, or by the Governor, Auditor, Treasurer, or any other State officer; to pay all monies received for debts due or penalties to the State immediately after the receipt thereof into the treasury; to compare the warrants drawn on the State treasury with the laws under which they purport to be drawn; and, to intervene, when in the public interest, in proceedings before any courts, regulatory officers, agencies and bodies, both State and federal, on behalf of the using and consuming public of this State.

The department is comprised of the following Divisions and Sections:

Administrative Division - Collection Section (733-9236), Elections Section (733-7218), Human Resources Section (733-4618), Real Estate Section (733-9580), Revisor of Statutes Section (733-5960), Services to State Agencies Section (733-3305), Tort Claims Section (733-3805);

Criminal Division - Correction Section (733-7387), Crime Control Section (733-7952), Federal Habeas Section (733-2011), Medicaid Investigations Section (733-5760), Special Prosecutions Section (733-2011), Appellate Section (733-6012);

Civil Division - Property Control Section (733-7408), Education Section (733-7387), Highway Section (733-3316), Labor Section (733-4721), Motor Vehicles Section (733-3254), Revenue Section (733-3252); and

Trade and Commerce Division
Consumer/Antitrust Section (733-7741), Energy
and Utilities Section (733-7214), Environmental
(733-5725), and Insurance Section (733-6118).

Members of the public may obtain information or make requests to the Department of Justice by writing to the North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602, or in person at the Justice Building, 2 East Morgan Street, Raleigh, North Carolina, or by calling (919) 733-3377. Inquiries concerning specific subject areas may be directed to the appropriate division as listed above.

NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

The Alarm Systems Licensing Board (ASLB) is established within the North Carolina Department of Justice for the purpose of administering the licensing of and setting the educational and training requirements for persons, firms, associations and corporations engaged in providing alarm systems and services to citizens of North Carolina.

This Board consist of five members appointed by the Attorney General, Governor, President of the Senate and Speaker of the House.

The Board's administrative offices, the Board's records, the Administrator and staff are located in the State Bureau of Investigation (SBI) Headquarters at 3320 Old Garner Road, Raleigh, NC 28626, Phone Number 919-779-1611. Normal office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. All business transactions should be referred to the administrator in the administrative offices.

Background investigations, complaint inquiries and audits of business records of licensees and other business transactions originate in the headquarters and are assigned to the appropriate field investigator whose offices are located in the SBI District Offices in Kannapolis, Greensboro, Fayetteville, Asheville and in the Board's administrative offices in Raleigh.

The results of and action required in connection with the investigations, inquiries, audits and other business are reported to the Board during their regular meeting the second Tuesday of every other month.

The Attorney General, or his representative, the Alarm Systems Licensing Board and the Admin-

istrator share in the administrative, investigative and prosecutorial power of the Alarm Systems Licensing Act, Chapter 74D of the General Statutes of North Carolina.

NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

The Private Protective Services Board (PPSB) is established within the North Carolina Department of Justice for the purpose of administering the licensing, setting education and training requirements for persons, firms, associations and corporations engaged in the Private Protective Services business within the State of North Carolina.

This Board consist of ten (10) members appointed by the Attorney General, Governor, President of the Senate, Speaker of the House and President Pro Tempore of the Senate.

This Board's administrative offices, the Board's records, the Administrator and staff are located in the State Bureau of Investigation (SBI) Headquarters at 3320 Old Garner Road, Raleigh, North Carolina 28626, Phone Number 919-779-1611. Normal office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. All business transactions should be referred to the administrator in the administrative offices.

Background investigations, complaint inquiries and audits of business records, and other board business transactions, originate in the headquarters and are assigned to the appropriate field investigator whose offices are located in the SBI District offices in Kannapolis, Greensboro, Fayetteville, Asheville and the administrative offices in Raleigh.

The results of and action required in connection with these investigations, inquiries and audits are reported to the Board during their regular meeting the third Friday of every other month.

The Attorney General, or his representative, the Private Protective Services Board and the Administrator share in the administrative, investigative and prosecutorial power of the Private Protective Services Act, Chapter 74C of the General Statutes of North Carolina.

NORTH CAROLINA DEPARTMENT OF LABOR

The Department of Labor is an independent executive agency created under Chapter 95 of the

North Carolina General Statutes. The department is responsible for promoting the safety, health and general well-being of the industrial population of the state. The department administers and enforces health and safety regulations, wage and hour laws, apprenticeship regulations, mine and quarry regulations, elevator, amusement device and aerial passenger tramway regulations, boiler and pressure vessel regulations, regulations for private employment agencies and the hazardous chemical right-to-know law. In addition, the department offers arbitration and mediation services for labor management disputes.

The Commissioner of Labor, who is a member of the Council of State and elected by the people of the state for a term of four years, is the executive and administrative head of the department. The Commissioner is assisted by an assistant commissioner and a special assistant for productivity.

The department is organized into three major groups, each under the supervision of a deputy commissioner. These groups are Administration and Regulation, Education and Training, and Health and Safety.

The Administration and Regulation Group is supervised by the Chief Deputy Commissioner. This group is composed of the Arbitration, Conciliation and Mediation Division, the Private Personnel Service Division, the Research and Statistics Division, and the Wage and Hour Division.

The Arbitration, Conciliation and Mediation Division works to promote permanent labor-management peace and to protect the interest and rights of labor, management, and the people of the state by the prevention and prompt settlement of labor disputes. The division offers (1) voluntary arbitration services of labor disputes through its voluntary arbitration panel, (2) conciliation and mediation services in labor disputes, (3) educational services in labor relations, and (4) technical services in labor relations.

The Private Personnel Services Division regulates and licenses private personnel services and job listing services by enforcing the provisions of the Regulation of Private Personnel Services Act and the Regulation of Job Listing Services Act.

The Research and Statistics Division compiles and publishes comprehensive data on occupational injuries and illnesses in the state. The di-

vision also assembles and publishes monthly data on building activity in North Carolina by county and by cities.

The Wage and Hour Division enforces the minimum wage, overtime, wage payment, and youth employment laws of the state. The division investigates worker complaints and collects back wages due employees.

The Education and Training Group is organized into two divisions: Apprenticeship and Training, and Pre-Apprenticeship.

The Apprenticeship and Training Division promotes and monitors a broad range of apprenticeship programs designed to train journeyman-level craftworkers to meet the demands of industries for high-skilled workers. Apprenticeship programs are established with private employers or under the sponsorship of labor-management committees. Apprenticeships combine on-the-job experience with related technical training furnished by the individual employer or at a technical institute or community college. The division establishes standards, approves apprenticeship programs which meet established criteria, is a records depository and issues completion certificates to citizens who complete apprenticeship training.

The Pre-Apprenticeship Division promotes opportunities for skills training through on-the-job training programs, pre-apprenticeship programs, and skills up-grading programs. Division representatives meet employers to help design skill training programs designed to meet the employers' needs.

The Health and Safety Group is organized into five divisions: the Boiler and Pressure Vessel Division, the Elevator and Amusement Device Division, the Mine and Quarry Division, the Occupational Safety and Health Division and the Right to Know Division.

The Boiler and Pressure Vessel Division regulates the construction, installation, repair, alteration, inspection, use and operation of vessels subject to the Uniform and Pressure Vessel Act of North Carolina. The division conducts periodic inspections, monitors inspection reports by certified insurance company inspectors, and issues operating certificates to owners and operators whose equipment is found to be in compliance with the act.

STATEMENTS OF ORGANIZATION

The Elevator and Amusement Device Division is responsible for the proper installation and safe operation of all elevators, escalators, workers' hoists, dumbwaiters, moving walks, aerial passenger tramways, amusement rides, inclined railways and lifting devices for persons with disabilities which operate in public establishments and private places of employment.

The Mine and Quarry Division enforces the Mine Safety and Health Act of North Carolina. The division conducts a program of inspections, education and training, technical assistance, and consultation to implement the Act. The division also assists mine and quarry operators to comply with the provisions of the 1977 federal Mine Safety and Health Act.

The Occupational Safety and Health (OSH) Division administers and enforces the Occupational Safety and Health Act of North Carolina which is a broadly inclusive law that applies to most private sector employment in the state, and to all agencies of state and local government. In addition to enforcing the state OSHA standards, the program offers free consultative services, education and training opportunities, and engineering assistance to employers under its jurisdiction. The OSH Division also administers the Safety Awards Program which recognizes private firms and public agencies which achieve and maintain good safety records.

The Right to Know Division administers the North Carolina Hazardous Chemicals Right to Know Act of 1985 which requires all users of hazardous chemicals in amounts of at least 55 gallons or 500 pounds to provide lists of these materials to local fire chiefs.

Six advisory groups assist the Commissioner with policy development and program planning. These are the Apprenticeship Council, the Board of Boiler and Pressure Vessel Rules, the Industry Advisory Board, the Mine Safety and Health Advisory Council, and the Occupational Safety and Health Advisory Council, and the Private Personnel Services Advisory Council. A separate unit independent from the Department of Labor is the Occupational Safety and Health Review Board, which hears appeals of citations and penalties imposed by the OSH Division and whose members are appointed by the Governor.

The public may obtain information from and make submissions or requests to the Department of Labor in person or by mail at 4 West Edenton

Street, Raleigh, North Carolina 27601 or by telephone as follows:

Administration
(919) 733-7166

Apprenticeship and Training Division
(919) 733-7533

Arbitration, Conciliation and Mediation
Division
(919) 733-7495

Boiler and Pressure Vessel Division
(919) 733-3034

Communications Division
(919) 733-4904

Elevator and Amusement Device Division
(919) 733-7394

Library
(919) 733-2799

Mine and Quarry Division
(919) 733-7428

Occupational Safety and Health Division
(919) 733-4880

Personnel Division
(919) 733-6943

Pre-Apprenticeship Division
(919) 733-6550

Private Personnel Service Division
(919) 733-4895

Publications Division
(919) 733-6590

Research and Statistics Division
(919) 733-4940

Right to Know Division
(919) 733-2486

Safety Awards Program
(919) 733-5683

Wage and Hour Division
(919) 733-2152

**NORTH CAROLINA DEPARTMENT OF
CRIME CONTROL AND PUBLIC SAFETY**

The North Carolina Department of Crime Control and Public Safety was established by the 1977 General Assembly to serve as an umbrella department for essential state government services related to the well-being of its citizens. As its name implies, the department serves as the state's chief coordinating agency for controlling crime and protecting the public.

When you attend a Community Watch meeting or observe a trooper catch a speeder, remember the Department of Crime Control and Public Safety is working hard to reduce and control crime.

By the same token, when you hear of hurricanes, plane crashes or nuclear accidents, know also that Crime Control and Public Safety will be on the scene to make sure disaster victims receive aid and help.

Wherever or whatever the need, the Department of Crime Control and Public Safety is working with you to make North Carolina a safer and better place to live.

The Department of Crime Control and Public Safety has nine divisions and the Office of the Secretary. The Secretary's staff is located in the Archdale Building in Raleigh. They include three assistant secretaries and personnel from the fiscal, personnel, information services, purchasing and staff development sections.

The Assistant Secretary for Administration is responsible for the operation of the Office of the Secretary and has full authority in the absence of the Secretary. The Assistant Secretary for Public Safety oversees the operations of the divisions of the National Guard, Civil Air Patrol, Butner Public Safety and Emergency Management. The Assistant Secretary for Crime Control oversees the operations of the State Highway Patrol, Alcohol Law Enforcement, Victim and Justice Services, Crime Prevention and Governor's Crime Commission.

Alcohol Law Enforcement

The Division of Alcohol Law Enforcement (ALE) enforces the state's laws governing the sale, purchase, transportation, manufacture and possession of intoxicating liquors and controlled substances. Anyone who sells beer, wine or alcohol in North Carolina must have a license. Before that license can be issued, an ALE agent must investigate the applicant and the place where the products will be sold. Once the license

is granted, ALE agents check back periodically to ensure that no liquor or drug laws are being violated, such as selling alcohol to a minor. With the passage of the Safe Roads Act of 1983 and the drinking age change law of 1986, ALE is making a special effort to reduce the sale of alcohol to anyone under the age of 21. ALE agents routinely conduct undercover operations, utilizing under-age persons, to check licensed outlets to see if they are selling to minors. Enforcement is one part of an ALE agent's job. Public education and awareness are also important. ALE conducts Driving While Impaired (D.W.I.) Source Prevention seminars at which employees of outlets are instructed about irresponsible service of alcohol. ALE agents also speak to community, church, civic, professional and school groups about alcohol laws and regulations.

Butner Public Safety

The personnel of the Butner Public Safety Division are trained to perform a variety of functions, because the people and facilities they protect and serve are just as varied. Butner Public Safety officers provide police and fire protection to the patients and staffs of the state hospitals at Butner, other state facilities there and the community of Butner. Their jurisdiction, some 35-square miles is also varied in terms of terrain, type of facilities and population. Officers patrol the streets of Butner and the grounds of the more than 11 state facilities there. They provide protection for the 4,600-acre National Guard training range, and officers are also responsible for fire prevention and suppression. When a fire occurs at any facility, including Butner federal correctional facility, Butner Public Safety officers are on the scene. These officers are unique, because their duties are unique. One hour, they may be called on to fight a raging fire, and the next hour, these same officers may be called on to capture a bank robber. Butner Public Safety officers are trained to do each job with skill and courage.

Civil Air Patrol

The Civil Air Patrol (CAP) is a volunteer organization and an official auxiliary of the United States Air Force. CAP has three missions of service to the public. Its primary responsibilities are to perform search and rescue missions for missing or downed aircraft and to provide disaster relief assistance during emergencies. CAP personnel play a vital role in the state's emergency plan. Personnel fly aircraft for transpor-

tation, aerial photography and courier service. The Civil Air Patrol's communications system provides backup communications during disasters. CAP also promotes aerospace education. Interest in aerospace education is encouraged by membership in the CAP cadet program. The cadet program is a strong part of CAP's service to North Carolinians. It gives young people, ages 13 through 18, opportunities for leadership and education through aviation. Cadets regularly participate in drills and exercises to test the readiness of each squadron to respond to a call for assistance. There are 42 squadrons in the North Carolina CAP wing. Many CAP members operate their own airplanes and fly at their own expense; however, membership dues, donations, grants, estates, state funds and Air Force reimbursements account for a large portion of their budget.

Crime Prevention

The Crime Prevention Division works to prevent crimes against property, crimes of violence and juvenile crimes in North Carolina. The division provides crime prevention education to the citizens of North Carolina through various organizations, including law enforcement, schools, community groups and news media. The goal is to get citizens involved in the fight against crime by establishing community, county and statewide crime prevention programs. Staff members in the Crime Prevention Division keep track of changing crime trends and stay abreast of the latest state and national crime prevention programs. In addition to providing technical assistance to organizations, crime prevention specialists also help citizens to overcome the fear of crime. Several crime prevention programs are promoted or coordinated by the division. These include Community Watch, HAM Watch, Athletes Against Crime, Crime Prevention for Older Adults, Crime Prevention in Public Housing, Child Safety Identification and Crime Stoppers. A variety of crime prevention and awareness materials are available, free of charge, from the division.

Emergency Management

The Division of Emergency Management is responsible for protecting North Carolinians from the effects of disasters, natural and manmade. The division offers assistance to local and county officials, through the state office and six area offices strategically located across North Carolina. Division personnel work with local governments to develop emergency action plans for such haz-

ards as chemical spills, fires, floods, tornadoes, hurricanes and nuclear incidents. These plans are routinely tested by communities during drills and table-top exercises with the assistance of the division's training staff. When an emergency arises or a disaster threatens, the state's response is directed by the State Emergency Response Team (SERT). Representatives from each agency involved in the emergency response serve on the team. This team works out of the Emergency Operations Center (EOC) in Raleigh. In the past, the SERT has coordinated the response and recovery efforts for many emergencies including the tornadoes of 1984, Hurricanes Diana and Gloria, forest fires which blackened North Carolina in 1985 and 1986 and the drought of 1986.

Governor's Crime Commission

The Governor's Crime Commission is the chief advisory board to the Governor and the Secretary of Crime Control and Public Safety on crime and justice issues. The Crime Commission is made up of 40 members, including the heads of statewide criminal justice and human services agencies as well as representatives from the courts, law enforcement, local government and legislature. Juvenile justice officials and concerned citizens also serve on the Crime Commission. The Commission plans more effective approaches to the problem of crime, coordinates the work of various elements of the criminal justice system and, through the staff, administers several statewide criminal justice programs. Members of the staff for the Crime Commission research criminal justice practices, conduct public hearings on subjects of interest to the Commission and support the Commission. As a coordinating and planning body, the Crime Commission studies issues and makes reports to the Governor on a wide range of criminal justice subjects, including its biennial legislative agenda which recommends statutory changes in criminal laws and recommends criminal justice programs. The Crime Commission has been a force behind the passage of such laws and programs as North Carolina's tough Driving While Impaired (D.W.I.) law, Community Service Work Program, Community Watch Programs and Rape Victim Assistance. Community-based alternatives to prison, in-school suspension, juvenile court counselors and computerized criminal justice information systems were also recommended by the Crime Commission.

National Guard

The North Carolina National Guard, with its more than 13,000 members, has a dual role. It is a state militia subject to the call of the Governor, and it is a federal reserve force subject to the call of the President. Led by the Adjutant General, the Guard raises and trains ground and air troops for mobilization when state or national emergencies require military support. The North Carolina Army National Guard is located in more than 100 communities across the state with more than 12,000 personnel. The North Carolina Air National Guard, with units in Baden and Charlotte, has more than 1,300 personnel. As part of its peacetime mission, the National Guard assists the public in times of emergency or civil disorder. Guard aviation units support local governments in searching for missing persons, assist law enforcement with aerial searches for marijuana and carry drinking water to drought-stricken communities or those whose supplies have been contaminated. To maintain its readiness for wartime missions, Guard troops are trained and equipped like their counterparts on active military duty. The state is responsible for raising and training the troops to Federal standards.

Highway Patrol

Since 1929, the North Carolina State Highway Patrol has provided for the safety of the motoring public by enforcing motor vehicle laws on the state's highways. The largest state law enforcement agency, the Patrol has more than 1,100 uniformed members. The patrol is divided into eight troops headquartered in Greenville, Fayetteville, Raleigh, Salisbury, Monroe, Newton, Greensboro and Asheville. Each headquarters has its own motor pool, and its sophisticated radio network links each patrolman to his headquarters. The Highway Patrol maintains a comprehensive training center near Raleigh for the training of new officers and continuing in-service schools. Troopers study constitutional and motor vehicle laws and learn pursuit driving and firearms techniques. State Troopers provide many additional services to North Carolina such as assisting stranded motorists, directing traffic at sporting events and the State Fair and providing security to the governor and his family. The Patrol plays a vital role in the state's emergency response plans. Anytime a local government has a law enforcement or emergency problem, they may call on the State Highway Patrol for help. Troopers have been called on to help evacuate victims of natural disasters or to transport blood, donor organs or seriously ill people.

Victim and Justice Services

The Division of Victim and Justice Services administers statewide victim and community service programs. The community service programs include Driving While Impaired (D.W.I.) Community Service, First Offender Programs (Misdemeanor and Felony Diversion), Court-Ordered Community Service and Early Release Parole Community Service. The Division has field offices in each of the 34 judicial districts in North Carolina to administer these programs. The field staff is responsible for placing defendants in local, state and nonprofit agencies to perform free work as a condition of their suspended jail sentence. The division administers various programs for victims. The Rape Victim Assistance Program provides financial assistance up to \$500 for victims of rape and sexual assault. This program also underwrites a standardized rape evidence collection kit which is used by hospitals to collect evidence. The Division also offers programs for law enforcement agencies on operational management improvements, stress management, 911 planning and implementation and coordination of mutual aid agreements. The Division operates the North Carolina Center for Missing Persons. Trained staff members at the Center locate missing persons, especially children. They also help families coordinate searches and exchange information with law enforcement agencies and the National Center for Missing and Exploited Children. Calls are received from a 24-hour toll free hotline (1-800-522-KIDS).

NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

The North Carolina Department of Natural Resources and Community Development is a principal State department in the executive branch of North Carolina government authorized by Article III, Section II of the North Carolina Constitution.

The Department has three primary duties:

- (1) To provide for the management and protection of the State's natural resources and environment;
- (2) To promote and assist in the orderly development of North Carolina counties and communities; and

- (3) To provide job training and promote employment for economically disadvantaged persons.

The head of the Department is the Secretary who is appointed by the Governor and serves at the pleasure of the Governor.

The Department is organized into twelve divisions as follows:

- (1) coastal management;
- (2) community assistance;
- (3) economic opportunity;
- (4) employment and training;
- (5) environmental management;
- (6) forest resources;
- (7) land resources;
- (8) marine fisheries;
- (9) parks and recreation;
- (10) soil and water;
- (11) water resources; and
- (12) zoological park.

The Wildlife Resources Commission and its staff are responsible to the Department for coordinating and reporting purposes.

A detailed account of each division follows.

DIVISION OF COASTAL MANAGEMENT

P.O. Box 27687
Raleigh, N.C. 27611-7687
919/733-2293

The Division is responsible for implementing a plan for the protection, preservation, orderly development and management of the coastal area of North Carolina. The Division provides staff support to the Coastal Resources Commission and Coastal Resources Advisory Council created by the Coastal Area Management Act (CAMA) of 1974 (G.S. 113A-100 et seq.). The Division processes major development permits; determines consistency of state and federal grants and projects with the North Carolina Coastal Management Program; prepares guidelines for a local

land use planning program in twenty coastal counties; administers grants to local government for planning, permitting and beach access programs; and acquires and manages coastal and estuarine reserves as natural areas for research, education and preservation.

ORGANIZATION

Field Services. Field services are provided from four regional district offices located in Elizabeth City, Washington, Morehead City and Wilmington. The Field Services staff handle direct contact with CAMA major development permit applicants, including on-site evaluations of permit applications and the enforcement of CAMA rules. They also provide assistance to local governments on land use plans, beach access projects and the CAMA minor development permit program.

Major Permit Coordination. This section is responsible for securing and reviewing state, federal and public comments on CAMA major development permit applications; drafting proposed decision documents; maintaining permit files; and reviewing federal agency actions, grants, and permit decisions for consistency with North Carolina policies.

Policy Analysis/Technical Services. This section develops and evaluates proposed rules for CAMA implementation, reviews proposed revisions to Area of Environmental Concern designations, and conducts the technical studies necessary to support program operations. The unit also provides public education and public information services, including media contacts, slide presentations, workshops, newsletters, journals, brochures, and related materials.

Coastal Reserves. This section is responsible for the identification, acquisition, and management of critical coastal natural areas to be preserved in a natural state for future research and education. The unit also coordinates research and education activities for acquired sites.

COASTAL RESOURCES COMMISSION

The Coastal Resources Commission was created to administer the Coastal Area Management Act of 1974. The Commission consists of 15 members appointed by the Governor to represent specified interests.

The Commission is responsible for developing a management program for the coastal area by

designating Areas of Environmental Concern in the 20 coastal counties; by adopting policies, standards and guidelines for coastal development and natural resource protection; and by approving local governments' land use plans (N.C.G.S. 113A-104).

COASTAL RESOURCES ADVISORY COUNCIL

The Coastal Resources Advisory Council consists of not more than 47 members. The Council assists the Secretary of Natural Resources and Community Development and the Coastal Resources Commission in an advisory capacity on technical questions relating to the development of rules and policies, and other matters arising under the Coastal Area Management Act (N.C.G.S. 113A-105).

COASTAL RESERVE ADVISORY COMMITTEES

An Advisory Committee has been formed for each fully acquired Coastal Reserve under the Coastal Reserve Program. Each committee includes local officials, scientists, educators, adjacent landowners and site users. Reference of these advisory committees is included in 15 NCAC 70 .0104.

DIVISION OF COMMUNITY ASSISTANCE

512 N. Salisbury St.
P.O. Box 27687
Raleigh, N.C. 27611-7687
(919) 733-2850

The Division of Community Assistance, part of the North Carolina Department of Natural Resources and Community Development, provides aid to North Carolina's counties and municipalities in the areas of community development, land use, public management, and economic development planning. The Division works to accomplish these goals through administration of the Community Development Block Grant program, Emergency Shelter Grant program, the Main Street program, and through direct technical assistance to local governments.

ORGANIZATION

Community Development Block Grant Program. The Community Development Block Grant program provides funds for community improvements. Local projects, which must primarily benefit low and moderate income persons, range from housing rehabilitation and neighbor-

hood facilities to the provision of funds for creating or retaining jobs. Local governments apply on a competitive basis for grants in the categories of community revitalization, economic development, housing demonstration, development planning, urgent needs, and interim assistance.

Emergency Shelter Grant Program. The Division of Community Assistance has been administering the Emergency Shelter Grant program since it was made available by the federally funded Stewart B. McKinney Homeless Act of 1987. Since then, DCA has announced three rounds of funding. Grant applications are reviewed on a competitive basis and awards are made to local governments who in turn distribute funds to shelters for maintenance, rehabilitation, and services costs.

Main Street Program. The Main Street program builds on a city's historic assets to reverse decline and create a bright diversified economic future in downtown.

The North Carolina Main Street Center of the Division of Community Assistance works with local interests, the private sector, and other state agencies to direct available resources to strengthen downtown revitalization efforts in designated Main Street communities.

Local Government Assistance. Through its even regional offices located in Raleigh, Winston-Salem, Washington, Mooresville, Fayetteville, Asheville, and Wilmington, DCA planners and community development specialists assist local governments with wide range of planning and management needs including land use and management planning, watershed protection planning, growth planning, and strategic and capital improvement planning.

COMMUNITY DEVELOPMENT COUNCIL

The Community Development Council of the Department of Natural Resources and Community Development is responsible for advising the Secretary of NRCD with respect to promoting N.C. community development, with respect to type and effectiveness of planning and management services, and upon any matter the Secretary may refer to it.

DIVISION OF ECONOMIC OPPORTUNITY

Post Office Box 27687
Raleigh, North Carolina 27611-7687
(919) 733-2633

The Division of Economic Opportunity is responsible for the effective administration of the federally funded Community Services Block Grant Program and the state funded Community Action Partnership Program. It is also responsible for the administration of any other related state or federal funds which may become available such as homeless funds and food and nutrition programs.

ORGANIZATION

Program Operations. The Program Operations section is responsible for the review of grant applications submitted to the Division for funding. In addition this section is responsible for monitoring Division grantees to ensure compliance with all contracts, entered into by the Division.

Planning and Evaluation. This section is responsible for all program planning and evaluation of the Division and its grantees. Duties include drafting grant/funding applications and administrative rules.

DIVISION OF EMPLOYMENT AND TRAINING

P.O. Box 27687
Raleigh, NC 27611-7687
(919) 733-6383 or 1-800-562-6333

The Division of Employment and Training administers federal grants that are awarded to the Governor under federal employment and training legislation, including the Job Training Partnership Act. As the designee of the Governor, the Division promotes efficient management and coordination of job training programs to maximize the benefits of these programs to the citizens of North Carolina and promotes an active, effective partnership between local and state agencies and private business in providing job training. [Stat. Auth. G.S. 143B-276; 20 CFR 626.1; Exec. Order No. 93 (June 8, 1983); Eff. October 1, 1984.]

ORGANIZATION

Field Services Section. Serves as the Division's central communications link with local service delivery areas and other agencies receiving funds from the Division to operate Job Training Partnership Act programs and ensures that funds are managed and used as effectively as possible.

Finance Section. Consisting of three units, this section is responsible for managing the financial activities associated with the administration of the Job Training Partnership Act and, designing

and maintaining an information system used to assist all levels of management.

Planning and Programs Section. Provides policy and programmatic guidance to service delivery areas for Title IIA and IIB and state level contractors for the Governor's setasides and Title III programs, provides staff support to the State Job Training Council, develops and maintains a system of performance standards and measures for North Carolina and administers the Rural Service Delivery Area.

STATE JOB TRAINING COORDINATING COUNCIL

The State Job Training Coordinating Council is appointed by the Governor, and advises the Governor on employment and training issues and recommends policies and strategies for the coordinated use of all of the state's job training resources. The Council recommends the Governor's Coordination and Special Services Plan which includes the Governor's Goals and Objectives, Coordination Criteria and the plans for the use of Job Training Partnership Act special purpose funds. The Council is also responsible for reviewing local job training plans and the plans of other state agencies providing employment and training services. (Public Law 99-570, Section 122.)

RURAL SERVICE DELIVERY AREA PRIVATE INDUSTRY COUNCIL

This council provides policy guidance for, and exercises oversight with respect to all activities under the job training plan for the Rural Service Delivery Area in partnership with advisory planning committees and units of State and Local Government, and determines whether or not all employment and training activities in the Rural Service Delivery Area are in compliance with the Job Training Partnership Act. Advisory Planning Committees shall function under the overall policy guidance of the Rural Private Industry Council. (Public Law 99-570, Section 102.)

DIVISION OF ENVIRONMENTAL MANAGEMENT

P.O. Box 27687
Raleigh, North Carolina 27611
(919) 733-7015

The Division is responsible for comprehensive planning and management of the state's air, surface water, and groundwater resources. The Division issues permits to control sources of

pollution; monitors compliance at permitted facilities; evaluates ambient environmental quality; and pursues enforcement actions for violations of environmental regulations.

ORGANIZATION

Air Quality Section. The purpose of the Air Quality Section is to conserve and protect the State's air resources. The section develops air quality standards, emission control standards, and classifications for air contaminant sources. The section administers the federal regulations which have been delegated to the State, by the Environmental Protection Agency. By implementing the State and federal regulations designed to prevent significant deterioration, the section preserves the quality of clean air and the potential for continued economic growth.

Water Quality Section. The purpose of the Water Quality Section is to maintain or restore an aquatic environment of quality sufficient to protect the existing and classified uses of the State's surface waters. The Section performs four major functions: 1) permitting specifies allowable pollution levels in discharges and receiving waters; 2) monitoring provides inspections for permit compliance and assesses ambient water quality; 3) modeling evaluates the impact of proposed discharges of waste and tests the control measures; 4) planning updates and maintains water quality standards and stream classifications.

In addition to these functions, the Water Quality Section provides technical assistance or enforcement actions to correct standards violations.

Laboratory Section. The Laboratory Section provides analytical services to support the air, water and groundwater programs in the Division through two regional laboratories and a central laboratory. The regional laboratories are primarily responsible for bacteriological and biochemical analyses. The central laboratory provides a much broader range of chemical analyses. The Laboratory Section administers a certification program for commercial laboratories performing monitoring for permit holders. The laboratory staff also provides consultation assistance and limited training to municipalities and industries.

Groundwater Section. The Groundwater Section manages groundwater quantity and quality to support growth and development in the State.

The program's goals are to prevent pollution of groundwater; respond to contamination incidents; and initiate cleanup actions as required. Permits are required for water wells having a designed capacity of 100,000 gallons per day or more; for groundwater quality monitoring wells; and for non-waste injection wells. When groundwater use threatens to exceed available supply in designated areas, all uses in these areas can be regulated. Water well contractors are registered annually and pump installers every five years.

Construction Grants. The Construction Grants Section assists units of governments finance wastewater pollution control facilities. This section administers the EPA Construction Grants Program for wastewater treatment facilities and provides technical review and certification for funds under the N.C. Clean Water Revolving Loan Program.

Albemarle-Pamlico Estuarine Study (APES). The primary purpose of the APES is to enable resource managers to better preserve the productivity of the estuarine area by expanding relevant knowledge about the human uses upon its physical, biological, and social systems. The APES is conducted through the National Estuarine Program within the Environmental Protection Agency as a cooperative venture involving both federal and state agencies.

Pollution Prevention Program (PPP). The PPP provides positive alternatives to costly pollution control options to improve environmental quality and to generate economic benefits. The program supports and works with industries, small businesses, and communities to identify and apply techniques at the source of generation which will prevent, reduce, or recycle wastes before they become pollutants to North Carolina's environment. The program provides an information clearinghouse, technical assistance and financial support to help reduce, or minimize hazardous waste, wastewater discharges, air emissions and solid waste.

WASTEWATER TREATMENT PLANT OPERATORS CERTIFICATION COMMISSION (WWTPOCC)

The purpose of the WWTPOCC is to protect the public health and to conserve and protect the quality of the water resources of the State. The Commission protects the public investment in wastewater treatment facilities by classifying wastewater treatment plants and requiring,

through examination and certification, competent plant operators. Chapter 143B-300 creates the WWTPOCC and empowers the Commission to adopt rules with respect to the certification of treatment plant operators as provided by Article 3 of Chapter 90A of the General Statutes.

ENVIRONMENTAL MANAGEMENT COMMISSION

The Environmental Management Commission is created and empowered under Chapter 143B-282 of the General Statutes of North Carolina. The seventeen member commission promulgates rules necessary to protect, preserve, and enhance the water and air resources of the State. Included in its duties are, the authority to grant permits and orders to control sources of air and water pollution; permit and inspect dam construction; establish water and air quality standards and classifications; protect the land and waters from oil pollution and leaking underground storage tanks storing oil or hazardous substances. The Commission investigates water and air pollution incidents and may assess penalties for violations of water and air standards.

DIVISION OF FOREST RESOURCES

P.O. Box 27687
Raleigh, NC 27611
(919) 733-2162

North Carolina's forestland is one of the greatest influences on the state in terms of economic value and quality of life. The Division of Forest Resources' primary purpose is to ensure adequate and quality forest resources for the state to meet present and future needs. The processes used to accomplish this involve management of existing resources, development and establishment of new and better quality forests and protection of these resources.

The primary emphasis in carrying out the programs involved in these objectives is directed at the state's 240,000 private forest landowners who own the majority of the forestland.

Specific activities the Division is involved with are forest management assistance to private landowners, reforestation services, forest fire prevention and suppression, and insect and disease control programs. Other activities are operation of tree seedling nurseries, long range forestry planning and technical development, water quality controls, urban forestry assistance, training and support to volunteer fire departments and forestry education.

To summarize, the Division has an active role in planning and carrying out all activities related to maintaining, protecting and improving the forest resources of the state. To accomplish this role, the Division is organized statewide as follows:

- Director's Office (Raleigh)
- Sections of District Operations, Technical Development and Planning, Field Projects, and Administration (Raleigh)
- 3 Regional Offices (Kinston, Sanford and Asheville)
- 13 District Offices (Asheville, Lenoir, Rockingham, New Bern, Rocky Mount, Fayetteville, Elizabeth City, Whiteville, Sylva, Lexington, Hillsborough, Mount Holly, Fairfield)

ORGANIZATION

Fire Control. The program function is to provide leadership and assume primary responsibility for preventing and controlling forest fires on more than eighteen million acres in the state. North Carolina averages approximately 5000 wildfires annually with many areas in the state subject to large, disastrous fires. The Division has legislated responsibility for directing control actions on wildfires. Close coordination with forest industries, rural fire departments, the Division of Emergency Management and numerous other concerns is an essential part of this program. The primary objective of the program is to prevent and minimize wildfire damage in the state. This area also controls a federal grant program providing funds and equipment to volunteer fire departments.

Forest Management. This function provides professional and technical management assistance to all forest landowners of the state. This assistance involves a detailed examination of the woodlands which includes determination of the types, quality and quantity of trees; age, vigor and general growing conditions of the trees; and general overall situation of the resources. A written management plan making recommendations is prepared and given to the landowner. Recommendations may include reforestation plans, water quality and erosion control, intermediate or final harvesting, prescribed burning and various other forest practices. Information is also provided on several cost sharing programs available for reforestation. The overall objective of this program is to ensure adequate forest resources to meet the needs of the state presently and in the future.

Pest Control. The program function is to identify and take control actions as warranted on endemic forest pest and disease problems in the state. This program also works closely with other agencies in developing improved means to lessen damages from these activities.

The objective of the program is to minimize loss of resources in North Carolina to forest pests and disease.

Urban Forestry. The program goal of Urban and Community Forestry for North Carolina is to improve the quality of life, (environmentally, economically, and aesthetically) in urban areas through technical assistance and services to towns in developing and carrying out multi-year management plans for urban vegetation. Emphasis is on both extension of services to a growing number of urban areas, and increasing the intensity of service to those areas with more aggressive programs. Program service is on a continuing basis to all areas that maintain an active program.

Participating municipalities must agree to several requirements in order to receive the services of the state in support of their program.

Nursery and Tree Improvement. The responsibility of this program is to provide adequate, high quality seedlings to meet the reforestation and Christmas tree production needs of the state. The Tree Improvement Program produces and provides genetically improved seeds to the Nursery Program which produces the seedlings for sale to the public. Production of seedlings occurs at three nurseries and one greenhouse. Each year 50 to 60 million seedlings are grown and sold.

Educational State Forests. This activity provides forestry exposure and education to the citizens and school children in North Carolina by means of programs and demonstrations at several state forests. A number of exhibits, demonstration trails, "talking trees" and other activities are available to show the public what forestry is about. Forests are currently operated at Clayton, near Lenoir, Elizabethtown, near Wilkesboro and Hendersonville. The purpose of this program is to make the citizens of the state more aware of the importance of forestry in North Carolina.

Forest Products Market Development. The primary objective of this program is to create adequate markets for all the wood fiber grown in North Carolina. This will help ensure an ade-

quate return on investments for landowners who grow timber and will motivate them to regenerate their forestland and practice sound forest management. The program is defined by four major activities: 1) industrial development - - recruiting new wood-using industries into the state, expand existing industry, and increase the use of North Carolina grown timber by instate industries; 2) export market development - - to increase the amount of North Carolina forest products being exported to foreign markets; 3) wood energy to promote the use of wood fuel; and, 4) new technology transfer - - to assure that industry is aware of and utilizes new technology, innovative processes and equipment resulting from research.

FORESTRY ADVISORY COUNCIL

The Forestry Advisory Council advises the Department of Natural Resources and Community Development Secretary concerning conservation and development of private and public forests in the state. The Council also makes studies directed by the Secretary, conducts a continuing review of Division programs, and participates in evaluations and in hearings related to the public interest in forestry.

SOUTHEASTERN FOREST FIRE COMPACT ADVISORY COMMITTEE

The Southeastern Forest Fire Compact is authorized by the Legislature and its purpose is to promote effective prevention and control of forest fires in the Southeastern Region of the United States. The Advisory Committee is composed of legislators and forest industry representatives and meets periodically with the State Foresters of member states to promote adequate forest fire protection measures throughout the Southeastern Region.

DIVISION OF LAND RESOURCES
P.O. Box 27687
Raleigh, NC 27611
(919) 733-3833

The Division of Land Resources is a division of the Department of Natural Resources and Community Development which is created by G.S. 143B-279 and G.S. 143B-275. The purpose of the Division of Land Resources is to protect and conserve the State's land, minerals, and related resources through the effective implementation and management of programs related to sedimentation pollution control, mined land reclamation, dam safety, land records management, geodetic survey, resources inventory and analysis

(LRIS), and mineral resources conservation and development.

ORGANIZATION

Geodetic Survey Section. The primary activity of the Geodetic Survey Section is to place precisely positioned, monumented survey points, often called stations, marks, or benchmarks, throughout the State for use in boundary surveys, chart making, transportation systems and other related activities. These survey points become a part of the North Carolina Coordinate system, which is an X and Y grid covering North Carolina.

Land Records Management Program. The Land Records Management Program provides technical assistance to counties in modernizing their land records through orthobase mapping, orthophotos and computers. This program also makes financial grants to counties, through an application process funded by the General Assembly, for modernizing county land records.

Geological Survey Section. The Geological Survey Section examines, surveys and maps the geology of the State and publishes reports and maps for the private sector and the general public. The Section also administers the Oil and Gas Conservation Act.

Land Resources Information Service (LRIS). LRIS is a geographic information service that provides a computer data base of North Carolina land related features such as maps of soils, land use, topography and streams which can be analyzed using sophisticated computer mapping techniques. The system operates as a nonprofit agency serving federal, state, regional and local governments. A user fee is charged to cover operating costs.

Land Quality Section. The Land Quality Section is responsible for administering the North Carolina Mining Act of 1971, the North Carolina Sedimentation Pollution Control Act of 1973, and the North Carolina Dam Safety Act of 1967 (G.S. 143-215). In addition, this Section provides staff support for the Mining Commission and the Sedimentation Commission and the Sedimentation Pollution Control Commission.

NORTH CAROLINA MINING COMMISSION

This 9-member commission is appointed by the Governor to function as the regulatory body for

the enhancement of the mining resources of North Carolina and to insure that mining activity is accomplished in a manner that protects the environment and the health, safety and welfare of the public pursuant to the North Carolina Mining Act of 1971 (G.S. 74-50 and 74-46).

NORTH CAROLINA SEDIMENTATION POLLUTION CONTROL COMMISSION

This 11-member commission is appointed by the Governor to function as the regulatory body for the administration and enforcement of minimal mandatory standards which will permit development of North Carolina to continue with the least detrimental effects from pollution by sedimentation pursuant to the Sedimentation Pollution Control Act of 1973 (G.S. 113A-50).

NORTH CAROLINA ADVISORY COMMITTEE ON LAND RECORDS

This 12-member committee is appointed by the governor to advise the department on establishing standards, and providing technical assistance to local governments in implement and maintaining minimum standards with regard to:

- 1 - uniform indexing of land records;
- 2 - uniform recording and indexing procedures for maps, plats, and condominiums; and
- 3 - security and reproduction of land records.

(Land Records Management Program - G.S. 143-345.6).

DIVISION OF MARINE FISHERIES

Post Office Box 769
Morehead City, NC 28557-0769
(919) 726-7021

The Division is responsible, under direction of the Marine Fisheries Commission and the Secretary, Department of Natural Resources and Community Development, for stewardship of the marine and estuarine resources of the State of North Carolina. As such it is responsible for the maintenance, preservation, protection and development of all marine and estuarine fisheries resources. This includes the promulgation of rules governing coastal fisheries, and their enforcement. It includes scientific endeavors leading to the development of information upon which regulatory and developmental decisions will be based. It also includes developmental activities

intended to improve the cultivation, harvesting and marketing of shell and finfish.

ORGANIZATION

Research Program. This program obtains, analyzes and distributes biological, environmental and fisheries information and statistics for use by the Division, the Department and their clientele.

Operations Program. Headquartered at Morehead City with district functions at Elizabeth City, Washington and Wilmington as well as Morehead City, this program is responsible for management of the marine resources of the State and for enforcement of the fishery laws and regulations.

Development Program. This program enhances the fishery resources by oyster plantings, shellfish lease management, artificial reef construction and submerged lands claim resolution.

MARINE FISHERIES COMMISSION

The Marine Fisheries Commission is responsible for management, restoration, development, cultivation, conservation protection and regulation of the marine and estuarine resources of the State (G.S. 143B-289.3); and to adopt rules to be followed in the management, protection, preservation and enhancement thereof (G.S. 143B-289.4); all such rules to be enforced by the Department and Division [143B-289.4(5)].

DIVISION OF PARKS AND RECREATION

P.O. Box 27687
Raleigh, North Carolina 27611-7687
(919) 733-4181

The North Carolina Division of Parks and Recreation is responsible for planning for a statewide system of park and recreation resources. The Division administers the state park system which includes state parks, state natural areas, state recreation areas, state trails, state lakes, and natural-and-scenic rivers. The system functions to preserve unique examples of archaeologic, biologic, geologic, scenic, and recreational resources. The Division is also responsible for the Land and Water Conservation Fund Program, a federal matching-fund program which supports outdoor recreation, conservation, and statewide recreation planning. Recreation consulting services are provided through a cooperative agreement with North Carolina State University. The Division is organized into four sections.

ORGANIZATION

Design and Development Section. The Design and Development Section is responsible for managing the Division's capital improvement projects, land acquisition program, and resource management program. The section maintains an inventory of repair and renovation needs in the state park system.

Operations Section. The Operations Section is responsible for efficient management of the state park system. On-site park superintendents serve to manage park units. Section responsibilities include state park system operation, interpretation and education, visitor protection and safety, natural resource management, concessions management, and volunteer program administration.

Consulting Services Section. The Consulting Services Section provides advisory services, planning assistance, and training programs to public, private, and commercial agencies and organizations. The section assist with field administration of the Land and Water Conservation Fund by providing information, processing applications, performing inspections, and resolving conversions. The unit also conducts special projects, such as the "Take Pride in America" program--a nationwide effort to promote public land stewardship.

Planning and Assessment Section. The Planning and Assessment Section prepares systemwide plans and general management plans for the state park system. The section is responsible for maintaining the State Comprehensive Outdoor Recreation Plan, conducting special studies, and preparing preliminary and feasibility studies of river segments nominated for inclusion into the State Natural and Scenic River System. The Natural Heritage Program, a part of the section, serves to identify, inventory, and provide protection for rare and endangered plant and animal species, special wildlife habitats, sensitive wetlands, and geologic landforms.

PARKS AND RECREATION COUNCIL

The Parks and Recreation Council functions to advise the Department on the promotion, development, and administration of the state park system. The Council works to educate and inform the citizens of the State on the needs and opportunities of the state park system. The Council also advises the Department with respect to the quality and quantity of the total recreation

services provided to the citizens of the State. (G.S. 143B-311 through 313)

RECREATION AND NATURAL
HERITAGE TRUST FUND BOARD OF
TRUSTEES

The Board functions to administer the Natural Heritage Trust Fund which was established to provide support for acquisition and management of significant natural areas. (G.S. 113-77.6 through 77.9)

NORTH CAROLINA TRAILS
COMMITTEE

The Committee coordinates trail development among local governments and advises the Department on all matters pertaining to trails. (G.S. 143B-88; 333; and 334)

DIVISION OF SOIL AND WATER
CONSERVATION

512 North Salisbury Street
Raleigh, North Carolina 27611
919/733-2302

The Division of Soil and Water Conservation is a comprehensive, statewide program for conserving our soil and water resources and operates under the Department of Natural Resources and Community Development. The Division provides staff, clerical assistance, and policy implementation for the N.C. Soil and Water Conservation Commission. It also helps the 94 local Soil and Water Conservation Districts and their State Association in their campaign for soil and water conservation.

ORGANIZATION

District Program Section. The District Program Section coordinates the activities of the 94 local soil and water conservation districts across the state and serves as staff for the N.C. Association of Soil and Water Conservation Districts, the 94 Districts' member association.

N.C. Agriculture Nonpoint Source Pollution Control Section. The N.C. Agriculture Nonpoint Source Pollution Control Section, commonly known as the N.C. Agriculture Cost-Share Section, is responsible for encouraging the voluntary adoption of Best Management Practices (BMP's) to control agricultural nonpoint source pollution. This Section administers the North Carolina Agriculture Cost-Share Program which addresses water quality.

Watershed Planning Section. The Watershed Planning Section supports the planning and implementation of PL 566 Small Watershed Projects (250,000 acres or less) under USDA-Soil Conservation Service Authority. The projects address community-wide natural resource problems such as flooding, erosion, and water quality.

Soil Survey Section. The Soil Survey Section collects and classifies soils data and prepares county soil survey reports. This Section works in close cooperation with the Soil Conservation Service (SCS).

Wetlands Inventory Section. The Wetlands Inventory Section provides quality control for the National Wetlands Inventory underway in North Carolina by the U.S. Fish and Wildlife Service.

NORTH CAROLINA SOIL AND WATER
CONSERVATION COMMISSION

G.S. 143B-294 states "there is hereby created the Soil and Water Conservation Commission of the Department of Natural Resources and Community Development with the power and duty to adopt rules and regulations to be followed in the development and implementation of a soil and water conservation program."

DIVISION OF WATER RESOURCES

P.O. Box 27687
Raleigh, North Carolina 27611
(919) 733-4064

The Division of Water Resources manages programs for planning, technical assistance, and financial assistance for river basin management, water supply, water conservation, navigation, stream clearance, flood control, beach protection, aquatic weed control, hydroelectric power, and recreational uses of water. The Division develops plans and special studies in cooperation with local governments and other state and federal agencies to recommend solutions for complex water resource problems related to regional water use and interstate river basins.

ORGANIZATION

Water Resources Planning Section. The Water Resources Planning Section develops plans and special studies in cooperation with local governments and other state and federal agencies, performs instream flow studies, conducts aquatic weed control projects, develops water use

projections for municipal, county, and regional water supplies, provides technical and financial assistance for local government-sponsored water development projects, prepares environmental assessments of major projects affecting water resources, and administers and coordinates the Stream Watch Program and North Carolina Rivers Month.

Water Supply Assistance Section. The Water Supply Assistance Section provides technical assistance to counties, municipalities, and other forms of public water supply systems and their consultants. Some of the services provided include: analyses and surveys of existing water supply systems, investigate and identify alternative and emergency raw water sources, coordination of regional cooperation between local water supply systems, evaluation of future water demands, information on sources of financial assistance and water conservation, and notify any municipality or other governmental unit of potential water shortages.

Hydrology and Management Section. The Hydrology and Management Section provides information and analyses on surface water and groundwater to other State agencies, federal agencies, federal agencies, and to municipal and industrial water users and their consultants. Some of the information and analyses provided include: reservoir operation studies, reservoir yield analyses, groundwater modelling for water supply planning and low flow analyses.

ENVIRONMENTAL MANAGEMENT COMMISSION

The Environmental Management Commission (EMC) receives staff support from the Divisions of Environmental Management, Water Resources, and Land Resources. The primary statutes administered by the Division of Water Resources for the EMC are the Water Use Act (G.S. 143-215.11 et seq), the Water Emergency Act [G.S. 143-354(b)-(e)], and the Federal Water Resources Development Projects Act (G.S. 143-215.38 et seq).

AQUATIC WEED COUNCIL

The Aquatic Weed Council meets quarterly to provide a means of communication and coordination among the numerous agencies involved in or interested in aquatic weed control, and to exchange information on aquatic weed control methods. The Council reviews the proposed weed control program developed by the Division

of Water Resources each year to assure that all affects on the environment or on public health have been adequately evaluated.

NORTH CAROLINA ZOOLOGICAL PARK

Route 4, Box 83
Asheboro, North Carolina 27203
(919) 879-5606

The N. C. Zoological Park is designed to display representative species of animal and plant life from the various land and sea masses of the world in a zoogeographic relationship and to achieve the specific purposes of:

- 1 - Providing unique educational opportunities to the general public and to the state school systems at all levels.
- 2 - Providing a meaningful recreational outlet for the citizens and tourists available to all; young, old, and handicapped.
- 3 - Providing research opportunities to the scientific community and collecting and disseminating scientific information about the animal and plant collection and other subjects which is of value to mankind.
- 4 - Developing and maintaining a major program for the conservation, preservation, and propagation of animal and plant life with particular emphasis on endangered and threatened species.
- 5 - Generating an economic return to the state which assists in defraying the cost of operation of the institution and contributes to the general economic well being of the region.

ORGANIZATION

Office of the General Curator. Responsible for the overall management of the animal collection. Plans conservation programs with emphasis on endangered and threatened species in collaboration with national and international zoological and other conservation organizations. Develops breeding programs to sustain the collection and improve the genetic pool of targeted species. Manages the zoo research programs for both medical related and other targeted research of value to mankind. Responsible for education strategies and objectives to fulfill the Zoo's missions. Liaison office with the American Association of Zoological Parks, the International Species Inventory System, and international

zoological organizations. The three sections of this office are Veterinary Medical Services, Animal Husbandry, and Education.

Management Services. Responsible for personnel, financial management, purchasing, contract and grant administration, central cashier and related administrative services. Manages all visitor service operations including admissions, retail merchandising, public transportation and security.

Facilities. Responsible for coordination and supervision of all Zoological Park construction. Serves as single point of contact for architects and contractors. Manages the execution of all construction contracts. Responsible for all physical plant and equipment maintenance and accounting for all property (less plants/animals) belonging to the NCZP. Responsible for supply of material.

Exhibit and Graphics. Responsible for the development, construction and maintenance of exhibit and natural habitats. Manages the graphics program and provides graphic art support to operating divisions and programs. Plans special purpose exhibits, graphics and materials to support education, conservation and marketing programs.

Marketing. Responsible for increasing positive awareness and attendance. Develops and administers marketing programs and strategies. Disseminates information to media, government agencies, tourism industry and general public. Approves all media releases involving the zoo, including those issued by the Zoological Society. Plans and coordinates special events, joint promotions and publicity opportunities. Solicits and coordinates group visits. Responsible for informational brochures, speaking engagements and exhibits.

Horticulture. Responsible for the care and display of all introduced and indigenous plants in the NCZP. Responsible for research and development of botanical related programs. Point of liaison with American Zoological Horticulture and national and international botanical professional organizations.

NORTH CAROLINA ZOOLOGICAL PARK COUNCIL

This fifteen-member council is appointed by the Governor to oversee the development and oper-

ation of the Zoological Park (G.S. 143B-335; 143-177.3). Responsibilities include:

- 1 - Advise on the basic concepts of and for the Park, approve conceptual plans for the Park and its buildings.
- 2 - Advise on the construction, furnishings, equipment and operations of the Park.
- 3 - Establish and set admission fees with the approval of the Secretary, NRCD.
- 4 - Recommend programs to promote public appreciation of the Park.
- 5 - Disseminate information on animals and the Park as deemed necessary.
- 6 - Develop effective public support for the Park through whatever means are desirable and necessary.
- 7 - Solicit financial and material support from various private sources within and without the State.
- 8 - Advise the Secretary on any other matters referred to it.

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

The North Carolina Wildlife Resources Commission is, as a matter of executive organization, a part of the Department of Natural Resources and Community Development, but operates independently of the Department except for the management functions of coordinating and reporting.

The Commission consists of 13 members, nine of which are appointed by the Governor from the nine wildlife districts, two by the Governor from the State, at-large, and two by the North Carolina General Assembly on recommendations of the President of the Senate and the Speaker of the House, respectively.

The administrative head of the agency is its executive director who is selected by and serves at the pleasure of the Commission. The staff of the Commission, other than personnel serving directly under the executive director, is organized into five divisions as follows:

Administrative Services;

Boating and Inland Fisheries;
Conservation Education;
Wildlife Law Enforcement; and
Wildlife Management.

The public may obtain information and make submissions and requests to the Wildlife Resources Commission by communicating with the agency by mail or in person at 512 North Salisbury Street, Archdale Building, Raleigh, North Carolina 27611, or by telephone at (919) 733-3391.

NORTH CAROLINA DEPARTMENT OF PUBLIC EDUCATION

The North Carolina Department of Public Education is a statutorily created agency (G.S. 143A-39) within the executive branch of the state government. The State Board of Education is the head of the Department of Public Education. The Superintendent of Public Instruction, a statewide elected official as provided for in Article III, Section 7 of the North Carolina Constitution, is the secretary and chief administrative officer of the State Board of Education. The Department of Public Education consists of two divisions, the Department of Public Instruction and the Controller's Office. The Department of Public Instruction is responsible for supervising and administering the public school system; local boards of education operate individual schools under their jurisdiction. The Controller's Office is responsible for supervising and administering the fiscal affairs of the Department of Public Education.

The public may obtain information about and make requests to the Department of Public Education in person or by mail at 114 W. Edenton Street, Raleigh, North Carolina 27603-1712, and by telephone as follows:

Department of Public Instruction
(919) 733-3813

Controller's Office
(919) 733-7565

NORTH CAROLINA DEPARTMENT OF THE SECRETARY OF STATE

The Department of the Secretary of State is a principal department of the State of North Carolina created by Article 2 of Chapter 143A

of the General Statutes. The head of the Department is the Secretary of State, and elective officer provided for in Article III, Section 7 of the Constitution of North Carolina.

The constitutional and statutory duties of the Department of the Secretary of State are carried out through six divisions:

1) General Administration

(a) The Secretary of State is located in the State Capitol, Raleigh, North Carolina. Personnel in this section have custody of the original laws and journals of the current session of the General Assembly and register lobbyists.

(b) The personnel, budget and management functions of the Department are carried out in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. Registration of Trademarks and filing of municipal annexation ordinances are also the responsibility of this section.

2) Publications

(a) The Publications Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. It is responsible for publishing the North Carolina Manual and Directory of State and County Officials. It also distributes the Session Laws and Journals of the General Assembly.

(b) The Land Grant Section maintains records of land grants from 1663 to 1957.

3) Corporations

The Corporations Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division is responsible for reviewing and filing charter documents for North Carolina Corporations and issuing Certificates of Authority to foreign corporations to transact business in North Carolina.

4) Uniform Commercial Code

The Uniform Commercial Code Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division receives and files financing statements and related state-

STATEMENTS OF ORGANIZATION

ments which give notice of the existence of a security interest in personal property.

5) Securities

The Securities Division is located in Room 404 in the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division registers securities for sale to the public and licenses securities dealers and salesmen. It also investigates and takes appropriate action on complaints of violations of the securities laws.

6) Notary Public Division

The Notary Public Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division issues commissions to applicants who qualify as notaries public, conducts the notary education program and investigates complaints of misconduct by notaries.

The mailing address for all divisions of the Department of the Secretary of State is 300 N. Salisbury Street, Raleigh, North Carolina 27611. The Telephone numbers are:

Secretary of State
(919) 733-3433

General Administration
(919) 733-4161

Corporations
(919) 733-4201

Uniform Commercial Code
(919) 733-4205

Securities
(919) 733-3924

Notary Public
(919) 733-3405

NORTH CAROLINA DEPARTMENT OF STATE TREASURER

The Department of State Treasurer is organized along functional lines as follows:

1. The Office of the State Treasurer. This unit consists of the State Treasurer and his immediate staff. It is headed by the State Treasurer and is responsible for the overall

operation of the Department and carrying out the special duties of the State Treasurer. The budget is part of function code 1110, General Administration.

2. The Administrative Services Division. This division is responsible for Department-wide functions and for the administration of the Escheat Fund. The Director of the Division is a Deputy Treasurer. The Division has four operating components as follows:

- a. General Administration Section - This section is headed by the Division Director and is responsible for the following Department-wide functions:

- (1) Accounting and budgets,
- (2) Personnel and payroll,
- (3) Purchasing,
- (4) Supply, messenger and mailroom services,
- (5) Technical assistance, and
- (6) Miscellaneous general administration, e.g. insurance.

Its budget is part of function code 1110, General Administration.

- b. Word Processing Section - This section is headed by a section chief and is responsible for the preparation of all typesetting and camera ready copy for the Department and for word processing services requested by other components of the Department. The budget is function code 1140, Word Processing.

- c. Data Processing Section - This section is headed by a section chief and is responsible for the operation and programming of the mainframe computer of the Department. In addition the Section is responsible, along with the Division Director for planning and approving acquisition and use of microcomputers. Its budget is function code 1150, Data Processing.

- d. Escheat Fund Administration Section - This section is headed by a section chief and is responsible for the administration of the Escheat Fund including processing

of receipts from holders, making refunds to the rightful owners and auditing holders for legal compliance. The budget is function code 1130, Escheat Fund Administration.

3. The Investment and Banking Division. This division is responsible for carrying out the banking operations and investment activities of the State which have been assigned by law to the State Treasurer. The Director of the Division is a Deputy Treasurer and the State Investment Officer. The Division has three operating components as follows:
 - a. Investment Management Section - This section is headed by the Division Director and is responsible for the general supervision of the Division and for the management of all investment pools which consist of funds belonging to the General and Highway Funds, the retirement systems, and other special trust funds. The budget is a part of function code 1210, Investment Management.
 - b. Investment Accounting Section - This section is headed by a section chief and is responsible for maintaining accounting and other financial records relating to the investment pools through which all moneys for which the State Treasurer is custodian are invested and the records relating to bank accounts and budgetary code accounts. The budget is a part of function code 1210, Investment Management.
 - c. Operations Section - This section is headed by a section chief and is responsible for clearing State warrants and for clearing investment principal and income transactions. For budgetary purposes, the personnel and other costs associated with clearing of investment transactions are a part of function code 1210, Investment Management; the personnel and other costs associated with the clearing of State warrants are in function code 1220, Banking Operations.
4. The Retirement Systems Division. This division is responsible for administering the State-operated pension funds and fringe benefit trust funds assigned by law to the Department of State Treasurer. The Director of the Division is a Deputy Treasurer and is the Director of each pension fund as established by law. The budgets for all components of the Division are contained in one function code 1410, Retirement Operations. The Division has six operating components as follows:
 - a. Office of the Director - This section is headed by the Director and is responsible for the overall supervision and operations of the Division.
 - b. Accounting/Data Control - This section is headed by a section chief and is responsible for accounting for all pension funds and other trust funds assigned to the Division. In addition, the Section maintains control of documents being sent to Data Processing for updating the computer files.
 - c. Benefits Processing - This section is headed by a section chief and is responsible for calculating all payments to members, including retired pay, refunds and death claims, and all cost calculations for service purchases.
 - d. Member Services - This section is headed by a section chief and is responsible for helping individual members who call, write in, or come in with problems. This section counsels soon-to-be retired and retirees to make certain that these people obtain their proper rights. The section assists employing units on eligibility questions and questions from its employees.
 - e. Disability - This section is headed by a section chief and is responsible for determining eligibility and processing disability claims for the Local Governmental Employees' Retirement System and the Disability Income Plan for teachers and State employees. This Section also administers the Retiree Contributory Death Benefit Plan.
 - f. Records - This section is headed by a section chief and is responsible for maintaining files on all members, active, inactive and retired. Primarily files are maintained in microfilm or microfiche forms.

5. The State and Local Governmental Finance Division. This division is responsible for providing staff to the Local Government Commission and to the North Carolina Educational Facilities Finance Agency. The Director of the Division is a Deputy Treasurer, the Secretary of the Local Government Commission and the Secretary-Treasurer of the North Carolina Educational Facilities Finance Agency. The budgets for the component units are contained in one function code 1310, Local Government Operations. The Division has two operating components as follows:

- a. Debt Management Section - This section is headed by the Division Director and is responsible for reviewing requests for issuing debt and making proposals thereon to the approving agency. In addition, this Section is responsible for the sale of State and local governmental debt that is authorized but unissued.
- b. Fiscal Management Section - This section is headed by a section chief and is responsible for assisting local governments keep a strong fiscal position. Among the ways this is accomplished are the review of all audits of local governments received by the Division, the preparation of memoranda for local governments on solutions to old and new problems, and the provision of technical assistance in person and by phone.
6. The Advisory Council on Vocational Education. This division provides staff to the Advisory Council on matters dealing with vocational education. The costs of the Council and staff are reimbursed from federal grants which are renewed every year. The Director of the Division is the Executive Director of the Council. The budget is function code 1510, Advisory Council on Education.

The mailing address for all divisions of the Department of State Treasurer is 325 North Salisbury Street, Raleigh, North Carolina 27611. The telephone numbers are:

State Treasurer
(919) 733-3951

Administrative Services
(919) 733-4440

Investment and Banking
(919) 733-7282

Retirement System
(919) 733-4191

State and Local Government Finance
(919) 733-3064

Advisory Council on Vocational Education
(919) 733-2064

NORTH CAROLINA STATE BOARD OF ARCHITECTURE

The North Carolina Board of Architecture is charged with the licensing and regulation of the practice of architecture in the State of North Carolina. For submissions, requests or further information, please contact the Executive Director, Cynthia B. Skidmore, 501 N. Blount Street, Raleigh, North Carolina 27604, telephone (919) 733-9544.

NORTH CAROLINA AUCTIONEER LICENSING BOARD

The Auctioneer Licensing Board is responsible for the administration and enforcement of the Auctioneers Law, G.S. 85B, which establishes specific standards of conduct for auctioneers and auction firms that serve to protect the public from incompetent or unqualified persons engaging in auction activities, and from deceitful practices, willful misrepresentations or fraudulent and dishonest dealings; affords a means of redress of grievances to any person suffering damage, and provides a means of monetary restitution for loss suffered.

The Auctioneers Law stipulates that there shall be a five-member Commission, appointed by the Governor. By law, three members are from nominations submitted to the Governor by the Auctioneers Association of North Carolina. At least three members must be experienced licensed auctioneers; one member is appointed to represent the public at large, and cannot be licensed as an auctioneer.

It is the responsibility of the board to license auctioneers, apprentice auctioneers, and auction firms and to see that the qualifications and activities of those engaged in auctioneering activities are in accord with law and in the best interests of the public. The board is not a board of arbitration and has no jurisdiction to settle

disputes between parties concerning such matters of contract as the rate of commissions, the division of commissions, pay of assistants, and similar matters.

The Commission may upon its own motion or upon a complaint in writing of any person, provided the complaint and any evidence presented with it establishes a prima facie case, hold a hearing and investigate the actions of any licensee, and has the power to suspend or revoke any license issued. The Commission may in its own name seek injunctive relief to restrain any violation or anticipated violation of the Auctioneers Law; is entitled to the services of the Attorney General in enforcing the provisions of G.S. 85B, or may employ an attorney to assist and represent it in enforcement of specific matters.

The Commission holds monthly meetings; receives and acts upon license applications; adopts rules and regulations; investigates complaints; holds administrative hearings as needed; suspends or revokes licenses when warranted; sponsors and underwrites educational projects for the benefit of licensees and provides recovery and guaranty protection through the Auctioneer Recovery Fund.

The board's office is staffed by an executive director, administrative assistant, and two secretaries. All employees serve at the pleasure of the Commission. Operational activities are supported totally by license fees collected from those in the auction profession and deposited with the State Treasurer: no funds are appropriated for the use of this agency. The staff administers examinations, issues and renews licenses, publishes an annual directory and biannual newsletters, and is responsible for the daily functioning of the office. Complaints are investigated with the assistance of a contractual investigative firm.

The administrative offices of the Auctioneer Licensing Board are located at:

3509 Haworth Dr., Suite 306
Raleigh, N.C. 27609-7276
Telephone: (919) 733-2182

Office hours are 8:30 a.m. until 5:00 p.m., Monday through Friday, except holidays.

NORTH CAROLINA BOARD OF BARBER EXAMINERS

General Statutes 86A regulates the practice of barbering. This program protects consumers by examining and licensing barbers, and inspecting barber facilities in North Carolina to determine compliance with sanitary regulations.

The State Board of Barber Examiners is established to consist of four members appointed by the Governor. Three members are licensed barbers; the other is not licensed and represents the interest of the public. The members serve no more than two complete consecutive three-year terms. Four Barber Shop Inspectors are employed by the Board to inspect barber shops and schools to determine compliance and to investigate consumer complaints and acts of illegal barbering.

The expenses in connection with the administration of Chapter 86A, are paid solely from the funds derived from fees collected and received under this Chapter.

NORTH CAROLINA STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

The North Carolina State Board of Certified Public Accountant Examiners is an independent State agency, unlike the N.C. Association of CPAs. The State Board is an occupational licensing board and is authorized by Chapter 93 of the N.C. General Statutes.

BOARD RESPONSIBILITIES

The board has these primary responsibilities:

- (1) to grant CPA certificates to those who have met legal requirements including age, citizenship, education, experience and good moral character;
- (2) to register CPA firms;
- (3) to annually renew CPA certificates and firm registrations;
- (4) to administer the semi-annual CPA Examination;
- (5) to administer the CPE compliance program;
- (6) to adopt rules of professional ethics and conduct to be observed by CPAs in this State;

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- (7) to conduct administrative hearings with respect to State statutes and Board rules; and
- (8) to administer other provisions of G.S. 93.

BOARD COMPOSITION

The board is composed of five persons who are CPAs and two persons who are not CPAs who represent the public at large. The Board's staff includes an Executive Director who is a CPA, a Deputy Director, eight other full-time staff members and several part-time assistants.

USE OF CPA TITLE RESTRICTED BY LAW

North Carolina accountancy law is unusual in that anyone can practice public accountancy by paying a minimal privilege license fee. However, anyone not licensed by the North Carolina Board of CPA Examiners is restricted to only the title "accountant". Even though a person is a CPA in another state and holds a position in such fields as industry, government or education, a North Carolina certificate issued by the Board must be obtained in order to use the CPA title while in this State.

INFORMATION

You may obtain information from and make submissions or requests to the North Carolina State Board of Certified Public Accountant Examiners in person at 1101 Oberlin Road, Suite 104, Raleigh, North Carolina; by mail at Post Office Box 12827, Raleigh, NC, 27605; and by telephone at (919) 821-2443.

NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

The North Carolina Licensing Board for General Contractors is located at 3509 Haworth Drive, Suite 302, Raleigh, North Carolina. Its mailing address is Post Office Box 17187, Raleigh, North Carolina 27619 and telephone number (919) 781-8771. H.M. McCown is Secretary-Treasurer of the Board. Requests for information or similar inquiries should be made to the Board's office. The members of the Board are: Dean B. McClatchey, Chairman; D. Bruce Armstrong, Vice-Chairman; Marshall Dunn; J.S. Evans; Arthur C. Flood; Jimmy R. Flowers; and Douglas A. Lopp.

NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS

Goal: The goal of the State Board is to assure the consumer of clean and sanitary salons and that the services offered are not damaging to the consumer.

The purpose of this Board is to license all people employed as professionals in cosmetology, schools, colleges, and salons in North Carolina and to assure they have met all standards and requirements to have a license.

The Board consists of four members appointed by the Governor, one by the N.C. House Speaker, and one appointed by the Lt. Governor. The Board Members conduct the State Board Examinations and meet to set policy and standards for Cosmetic Art in North Carolina.

Board Members are: Chairman, Phil Shehdan; First Vice-Chairman, Alma Tilghman; Second Vice-Chairman, Mary Walker; Members, Mary Battle, Allen Reid Plummer, Jr. and Lillian Snipes.

Objectives:

1. To increase accessibility of training in the area of cosmetology.
2. To increase the number of licensed cosmetologists, schools, colleges, and salons.
3. To reduce complaints filed against salons and cosmetologists.

Office Hours are 8-5 P.M., and Telephone number is 790-8460. The Executive Secretary is Vicky Rothrock Goudie.

N.C. State Board of Cosmetic Arts
4101 North Blvd., Suite H
Raleigh, North Carolina 27604

NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

The North Carolina State Board of Dental Examiners maintains its offices at 3716 National Drive, Suite 221, Raleigh, North Carolina, 27612. The Board's mailing address is Post Office Box 32270, Raleigh, North Carolina, 27622-2270. The Board's telephone number is (919) 781-4901. Christine H. Lockwood is the Executive-Secretary of the Board. Board members presently serving are: Stanley L. Fleming, D.D.S.; Frederick H. Howdy, D.D.S.; Bettie R. McKaig,

D.D.S.; Kent N. Tucker, D.D.S.; Carlton V. Winter, D.D.S.; James Elliott, D.D.S.; Nancy A. St. Onge, R.D.H.; and Marie S. Moore, Consumer Member. The law firm of Bailey & Dixon serves as legal counsel to the Board.

NORTH CAROLINA STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

The State Board of Examiners of Electrical Contractors was created by Article 4, Chapter 87, of the General Statutes. The Board consists of seven members as follows: one member from the North Carolina Department of Insurance designated by the Commissioner of Insurance; one member who is a representative of the North Carolina Association of Electrical Contractors designated by the governing body of that organization; and five members appointed by the Governor: one from the faculty of the Greater University of North Carolina who teaches or does research in the field of electrical engineering, one who is serving as a chief electrical inspector of a municipality or county in North Carolina, one who has satisfied the requirements for a license classified under G.S. 87-43.3 and who represents a sole proprietorship, partnership or corporation located in North Carolina which is actively engaged in the business of electrical contracting, and two who have no ties with the construction industry and who represent the interest of the public at large.

The Board meets several times a year to transact business and it administers the written qualifying examinations to applicants for a license twice a year in March and September.

Information may be obtained from and submissions and requests may be made at the Board's office located at 1200 Front Street, Suite 105, Raleigh, North Carolina 27609, Telephone (919) 733-9042.

NORTH CAROLINA BOARD FOR LICENSING OF GEOLOGISTS

The North Carolina Board for Licensing of Geologists is an occupational licensing board which regulates the practice of geology by (1) determining whether applicants meet the statutory requirements for licensing, and (2) enforcing the statutory provisions governing the practice of geology. N.C.G.S. Chapter 89E sets out the statutory authority of the Board.

Any interested party may obtain information and make submissions or requests by contacting the Board at P. O. Box 27402, Raleigh, N.C. 27402 or by calling 919-781-7297.

NORTH CAROLINA MARITAL AND FAMILY THERAPY CERTIFICATION BOARD

The North Carolina Marital and Family Therapy Certification Board was established in 1979 in accordance with Chapter 31, Article 18C of the North Carolina General Statutes. The Certification Act was established to provide a structure and procedures which insure that the public has a means of protecting itself from unprofessional, improper, and unauthorized use of certain titles by persons who practice marital and family therapy.

Information on the certification process or the status of an applicant may be obtained by calling 919-748-4657 Monday through Friday between the hours of 8:00 a.m. - 5:00 p.m., or by writing:

Shelia K. Beck, Executive Secretary
N.C. Marital and Family Therapy Certification
Board
Section on Marital and Family Therapy
Bowman Gray School of Medicine
Winston-Salem, NC 27103

BOARD OF MEDICAL EXAMINERS OF THE STATE OF NORTH CAROLINA

General Statute 90.2 establishes the Board of Medical Examiners in order to properly regulate the practice of medicine and surgery in the State of North Carolina.

MIDWIFERY JOINT COMMITTEE OF THE STATE OF NORTH CAROLINA

"Midwifery Joint Committee administers the provisions of Article 10A 'Practice of Midwifery' by the approval of nurses to practice midwifery in North Carolina and by regulation of that practice.

All meetings of the Midwifery Joint Committee are open to the public. Persons wishing to bring matters to the attention or consideration of the Midwifery Joint Committee may write the Midwifery Joint Committee, P. O. Box 2129, Raleigh, NC 27602."

NORTH CAROLINA BOARD OF MORTUARY SCIENCE

The North Carolina Board of Mortuary Science was created by Article 13A, Chapter 90, General Statutes. The Board consists of six persons licensed by the Board and elected by licensees, plus one public member appointed by the Governor. The Board meets as often as necessary to transact its business. It administers a written examination to applicants for licenses twice a year.

Information may be obtained from and submissions and requests may be made to the Board office, located at 412 North Wilmington Street, Raleigh, North Carolina 27601, telephone (919) 733-9380.

NORTH CAROLINA BOARD OF NURSING

"The North Carolina Board of Nursing licenses registered nurses and licensed practical nurses; regulates the practice of nursing; approves educational units leading to licensure; issues interpretations of the Nursing Practice Act, and maintains a joint subcommittee with the North Carolina Board of Medical Examiners for matters relating to the performance of medical acts by registered nurses.

All meetings of the Board, including Board committee meetings, are open to the public. Persons wishing to bring matters to the Board for its attention or consideration shall submit the request in writing no less than 30 days prior to the scheduled regular meeting. The Board office is located at 706 Hillsborough Street, Raleigh, NC 27603; mailing address is P. O. Box 2129, Raleigh, NC 27602."

NORTH CAROLINA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

The N.C. State Board of Examiners for Nursing Home Administrators has the following functions and duties:

1. Develop standards for licensure of nursing home administrators.
2. Development and administration of examinations for licensure candidates.
3. Issuance of licenses as nursing home administrators.

4. Establish and implement procedures to insure that licensees comply with licensure standards.
5. Investigation of complaints relating to nursing home administrators.
6. Continuing study for the purpose of improvements in the standards for licensing.
7. Conduct and review continuing education programs for nursing home administrators.
8. Develop and implement rules and regulations.
9. Receive and disburse funds for the operation of the Board.
10. Maintain a register of all applicants for licensure and of licensed nursing home administrators.
11. Develop an administrator-in-training program to insure that nursing home administrators have adequate training and experience prior to licensure.

Location: 701 Barbour Drive, Room 102; Raleigh, N.C. 27603

Mailing Address: Same
Telephone Number: 919/733-6225
Contact: William A. Moon

NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY

The North Carolina Board of Occupational Therapy licenses Occupational Therapists and Occupational Therapist Assistants to practice the profession of Occupational Therapy in the State of North Carolina. The Board is composed of six members appointed by the Governor for staggered terms from one to four years. The Board consists of three Occupational Therapists, one Occupational Therapist Assistant, a public member and an orthopedic surgeon. The Board receives applications for prospective licensees, reviews the applications and if appropriate, issues licenses. It also conducts hearings with regard to licensure and with regard to the furnishing of competent occupational therapy services to the citizens of North Carolina.

The Office of the Board is located at Suite 1921, Center Plaza Building, 411 Fayetteville Street

Mall, Raleigh, North Carolina. The mailing address of the Board is P.O. Box 2280, Raleigh, North Carolina 27602, and its telephone number is (919) 832-1380. The office hours of the Board are from 9:00 a.m. to 5:00 p.m. Monday through Friday.

NORTH CAROLINA STATE BOARD OF OPTICIANS

The North Carolina State Board of Opticians is located at 412 North Wilmington Street, Raleigh, N.C. 27601-1061. The Board consists of seven members.

Any information, submissions or request may be directed to the Board office by mail at 412 North Wilmington Street, Raleigh, N.C. 27601-1061 or by calling 919-733-9321.

NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY

The Board is established pursuant to North Carolina General Statute Section 90-116. Statutes concerning the Board are found at Sections 90-114 *et. seq.* Rules and regulations concerning the Board are found at 21 NCAC 42A .0001. The Board's office is located at 321 East Main Street, Post Office Drawer 609, Wallace, North Carolina 28466-0609.

Officers of the Board are:

President

Dr. L. S. Christian
413 West Main
Williamston, North Carolina 27892
(919) 792-2195

Vice-President

Mrs. Charles Martin
2560 Beechmont
Winston-Salem, North Carolina 27101
(919) 724-3294

Secretary

Dr. John D. Robinson
321 East Main Street
Post Office Drawer 609
Wallace, North Carolina 28466
(919) 285-3160
NC WATS 800-426-4457

Questions concerning the Board's operations or activities should be directed to Secretary Robinson. The Board's legal counsel are:

G. Eugene Boyce
Johnny M. Loper
Womble Carlyle Sandridge and Rice
Post Office Box 831
Raleigh, North Carolina 27602
(919) 755-2100

The Board does not hold regularly-scheduled meetings other than its annual meeting and those associated with the licensing examination, but rather meets as events require. Although the Board has not designated a specific site for its meetings, they are most often held in Raleigh. The licensing examination meetings have been scheduled in Raleigh twice yearly through 1992. Administrative hearings are usually held in Raleigh.

NORTH CAROLINA BOARD OF PHARMACY

The North Carolina Board of Pharmacy is located at 602-H Jones Ferry Road, Chapel Hill, North Carolina. Its mailing address is Post Office Box H, Carrboro, North Carolina, 27510 and the telephone number is (919) 942-4454. David R. Work is Executive Director of the Board. Request for information or similar inquiries should be made to the Board's office. The members of the Board are: Evelyn P. Lloyd, President; William R. Adams, Jr., Vice-President; William H. Randall, Jr.; Harold Vann Day, William Whitaker Moose, and William T. Biggers.

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS

The North Carolina Board of Physical Therapy Examiners is an occupational licensing board which was created by the General Assembly in 1951. The Physical Therapy Practice Act is found in G.S. 90-270.24 -- 90-270.39.

The Board:

- (1) issues licenses to practitioners of physical therapy in order to protect the safety and welfare of recipients of physical therapy services in North Carolina. Both physical therapists and physical therapist assistants are licensed by the Board. Currently there are 1856 physical therapists holding active licenses with 1272 of these residing in North Carolina. There are 574 licensed physical therapist assistants and 485 of them live in the State.

- (2) is charged with the responsibility of investigating complaints regarding the unauthorized practice of physical therapy in North Carolina and acts of licensees that violate the Practice Act.
- (3) issues interpretation of questions arising from the Physical Therapy Practice Act.

The Board consists of eight members including one medical doctor, four physical therapists, two physical therapist assistants, and one public member, who represents the interest of the public at large and is a person who is not licensed under Chapter 90.

Licenses are granted both by endorsement of an active license in another state and by examination. Examinations will be held on November 2, 1988, February 1, 1989, and July 6, 1989.

The Board has adopted rules and regulations pursuant to the Administrative Procedure Act which are codified in 21 NCAC, Chapter 48.

Further information may be obtained by writing the Executive Secretary, 2426 Tryon Road, Durham, North Carolina 27705.

NORTH CAROLINA BOARD OF PODIATRY EXAMINERS

The Board of Podiatry Examiners for the State of North Carolina is established by G.S. 90-202.4 of the North Carolina General Statutes. The Board consists of four members appointed by the Governor. Three of the members are licensed podiatrists and the other member is chosen by the Governor to represent the public at large.

The Board of Podiatry Examiners for the State of North Carolina is an occupational licensing Board responsible for the practice of podiatry, including examinations, licensure, discipline, continuing education, record keeping and other matters pertaining to the practice of podiatry in the State of North Carolina.

Information may be obtained from and submissions and requests may be made through the Board's Secretary, Dr. Thomas Hampton, 1516 Elizabeth Avenue, Charlotte, North Carolina 28204, or the Board's President, Dr. C. Jeff Mauney, 707 N. Morgan Street, Shelby, North Carolina 28105. Dr. Hampton's phone number is (704) 376-3947, and Dr. Mauney's phone number is (704) 487-6672.

BOARD OF REGISTERED PRACTICING COUNSELORS

The North Carolina Board of Registered Practicing Counselors certifies counselors for private practice who hold a minimum of a masters degree in counseling (or related area), have at least two years of counseling experience, and have passed an examination. The Board maintains a registry of counselors who have submitted credentials for review and have been certified. Information on registration procedures or verification of counselors credentials may be obtained by writing: NCBRPC, Box 12023, Raleigh, NC 27605.

NORTH CAROLINA STATE BOARD OF EXAMINERS OF PRACTICING PSYCHOLOGISTS

The North Carolina State Board of Examiners of Practicing Psychologists was established in 1967 by an Act of the North Carolina Legislature known as the Practicing Psychologist Licensing Act. The purpose of the board is to provide for the examination and licensure of persons who engage in the practice of psychology in the State of North Carolina. The mailing address is University Hall, Appalachian State University, Boone, North Carolina 28608. Telephone (704) 262-2258.

NORTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

The North Carolina State Board of Registration for Professional Engineers and Land Surveyors is established under the provisions of Chapter 89C of the North Carolina General Statutes. The Board is composed of nine members, appointed by the Governor for a five year term. There are four (4) Professional Engineer members, three (3) Registered Land Surveyor members, and two (2) public members.

The Board is responsible for the administration and regulation of the professions of engineering and land surveying in North Carolina. The Board reviews applications, administers examinations, registers qualified applicants, and regulates the professional practice of the registrants throughout the State. Complaints are investigated, and those requiring further action are scheduled for a hearing before the Board.

Board meetings are held at the Board's offices in Raleigh, and are open to the public. Persons

wishing to bring matters for the Board's consideration should submit written notification or request to be placed on the agenda at least 20 days prior to the scheduled regular meeting. The Board address is 3620 Six Forks Road, Suite 206, Raleigh, North Carolina 27609; phone (919) 781-9499.

NORTH CAROLINA REAL ESTATE COMMISSION

The North Carolina Real Estate Commission is a state governmental agency. Its address is Post Office Box 17100, Raleigh, NC 27619 and its telephone number is (919) 733-9580.

The Commission licenses and regulates real estate agents including brokers, salesmen and corporate brokers. It handles complaints from consumers against licensees. The Commission also registers time share projects and regulates their sales activities. The Commission has the power to take disciplinary action against its licensees and time share projects where it determines there is a violation of the License Law or the Time Share Act.

Departments and personnel in the Real Estate Commission include the Commission itself, consisting of seven volunteer members appointed by the Governor. The Executive Director is responsible for overall administration of the Commission's staff, and programs and operations in accordance with the policies and directives of the Commission. The administrative section is responsible for personnel and financial management, as well as general and technical support. The licensing section processes the various applications submitted and maintains records on all licensees. The education section develops standard and materials for pre-licensing study, approves real estate schools and instructors and develops and administers the real estate license examination program. The investigative section investigates complaints against real estate agents and time share sales and management personnel. The section also employs auditors who examine the trust accounts of real estate firms and time share projects. The legal section conducts inquiries and coordinates investigations of consumer complaints, prosecutes charges against licensees at hearings before the Commission, and provides legal counsel to the Commission.

NORTH CAROLINA BOARD OF REFRIGERATION EXAMINERS

The State Board of Refrigeration Examiners was created in May, 1955 in order to protect the public health, comfort and safety of the citizenry of North Carolina. The law governing the Board and its operation is contained in Article 5, Chapter 87 of the General Statutes of the State.

The Board is composed of seven members appointed by the Governor, each serving staggered seven-year terms. The composition of the Board is as follows: two (2) members of the public at-large, one (1) manufacturer or wholesaler of refrigeration equipment, one (1) member from an engineering school of the Greater University of North Carolina, one (1) member from the Division of Public Health of The Greater University of North Carolina and two (2) licensed refrigeration contractors.

The Board examines for licensure in commercial, industrial and institutional refrigeration contracting in April and October annually. It reports annually to the Council of State on all activities during the year.

Further information may be obtained at the Board office, 323 West Morgan Street, Raleigh, NC, by mail at Post Office Box 10553, Raleigh, NC 27605, or by calling 919-834-5484.

STATE BOARD OF SANITARIAN EXAMINERS

The primary purpose of the North Carolina State Board of Examiners is to enforce General Statute 90A. An Act to Require Registration of Sanitarians, ratified June 22, 1982, effective October 1, 1982, in accordance with the Rules of Organization, effective February 1, 1983.

The Board consists of nine members appointed by the Governor of North Carolina as outlined in G.S. 90A-55, to register qualified sanitarians to practice within the State.

Please list the contact person as:

Thomas F. Owens, R.S.
Chairman
N. C. State Board of Sanitarian Examiners
Guilford County Health Department
P. O. Box 3508
Greensboro, NC 27401-3508

NORTH CAROLINA CERTIFICATION BOARD FOR SOCIAL WORK

The North Carolina Certification Board for Social Work is an occupational regulatory board authorized by the Social Worker Certification Act, Chapter 90B of the North Carolina General Statutes.

The North Carolina Certification Board for Social Work administers and enforces the provisions of the Social Worker Certification Act. The primary responsibilities of the Board are:

- (1) To examine and pass on the qualifications of all applicants for certification; and
- (2) To establish or approve study or training courses.

The North Carolina Certification Board for Social Work is composed by law of seven members appointed by the Governor. Board members shall include four certified social workers and three members from the general public. At all times the Board shall include at least one member primarily engaged in social work education, at least one member primarily engaged in social work in the public sector, and at least one member primarily engaged in social work in the private sector. Board members are: William G. Hamby, Jr. (Concord); Frankie E. Hedrick (Lexington); Helen Lee Keyes (Asheboro); Carl Mumpower (Asheville); Sandra Page (Gastonia); Sandra J. Roberts (Greensboro); and Wilma Peebles Wilkins (Raleigh).

The public may obtain information about certification or submit applications to Kay K. Saintsing, Administrative Coordinator, North Carolina Certification Board for Social Work, P.O. Box 1586, Lexington, N.C. 27293-1586, telephone (704) 243-2629.

NORTH CAROLINA VETERINARY MEDICAL BOARD

The North Carolina Veterinary Medical Board is charged with the licensing and regulation of the practice of veterinary medicine in the State of North Carolina. For submissions, requests or further information, please contact the Executive Secretary, Thomas F. Zweigart, D.V.M., P. O. Box 12587, Raleigh, North Carolina 27605, telephone (919) 733-7689.

NORTH CAROLINA DEPARTMENT OF COMMUNITY COLLEGES

The Department of Community Colleges fulfills its administrative responsibilities through the

following organizational structure: Office of the system's President with an Executive Vice President and Assistants for Board Affairs, Federal Affairs and Governmental Affairs and four divisions--Adult and Continuing Education, Finance, Programs, and Research and Information--each headed by a Vice President.

Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Department of Community Colleges shall address the petition to:

President, Department of Community Colleges
200 West Jones Street
Raleigh, North Carolina 27603-1337

NORTH CAROLINA HOUSING FINANCE AGENCY

Description of Organization

The North Carolina Housing Finance Agency was created by the North Carolina General Assembly in 1973. The purpose of the Agency is to help provide affordable housing for the state's low- and moderate-income citizens. The Agency obtains funds to meet this goal primarily through the sale of tax-exempt bonds. Funds earned through Agency operations totally pay staff salaries and administrative expenses.

Organizationally, the Agency is located with the Governor's Office. A thirteen member board of directors, with expertise in various aspects of housing, sets policy for the organization and hires the Executive Director. Eight members of the Board are appointed by the General Assembly, four upon the recommendation of the Speaker of the House of Representatives and four upon the recommendation of the President of the Senate. The Governor also appoints four members to the Board of Directors and the members of the Board elect a thirteenth member.

The Agency operates several specific housing programs that generally fall within one of three program areas: single family homeownership; multifamily rental housing; and housing rehabilitation. In 1988, the Agency was also given responsibility for administration of the North Carolina Housing Trust Fund.

To Obtain Additional Information About the Agency or to Make Submissions or Requests

For information about the Agency and its programs, contact the North Carolina Housing Finance Agency, 3300 Drake Circle, (Suite 200), Post Office Box 28066, Raleigh, North Carolina

27611. Telephone: 919-781-6115. For general information about the Agency, interested parties should contact the Director of Communications. For information, or to make submissions or requests related to specific programs, the director of the applicable program area (single family, multifamily or housing rehabilitation) should be contacted.

NORTH CAROLINA OFFICE OF STATE PERSONNEL

Our purpose as an agency of State Government is to serve the interests of State employees; to manage the programs established by the Governor, the Legislature and the State Personnel Commission; and to provide specific services to the general public.

The Office of State Personnel is the administrative arm of the State Personnel Commission. It monitors the policies and programs set by the State Personnel Commission, establishes procedures to complement personnel policies, and develops proposals for new or revised policies for Commission consideration. Under the direction and guidance of the State Personnel Director, a staff of approximately 130, including an assistant director and seven division managers, carry out the services and programs of the Office of State Personnel.

The Director's Office provides the leadership for the Office of State Personnel and its staff of personnel professionals. Another area of responsibility of the Director's Office is to monitor personnel problems within State government, Federal laws and policies affecting personnel administration, and ratified bills of the N. C. General Assembly. This division also manages the Credentials Verification Program which provides for checks on the education and professional credentials of employees.

The Safety and Health Division administers the Workplace Requirements for Safety and Health Program. The Program's goals are: (a) to assist in protecting employees from job-related injuries or health impairment; (b) help in preventing accidents; and (c) to provide training in emergency medical procedures, forming emergency plans, and monitoring industrial hygiene, house-keeping and sanitation.

The Administrative Services Division is organized into three major sections: Policy Administration, Personnel Management Information Systems (PMIS), and the Office of State Person-

nel's Internal Administration. The Policy Administration Section develops and monitors policies pertaining to the administration of the pay plan, leave, holidays, and other conditions of employment, and coordinates policy recommendations with the Office of State Personnel's managers and the State Personnel Commission. The Personnel Management Information Systems (PMIS) maintains computerized personnel and position data system on all employees subject to the State Personnel Act. The Internal Administration Section provides on-going systematic operation of State Personnel including automating OSP's operations by the use of word processing, electronic filing and retrieval, and electronic mail and communications. This section also coordinates budgeting, purchasing, mail and supply functions with the Department of Administration.

The Employee Relations Division provides services in the research and development of programs and policies which apply modern management concepts and practices in the area of employee-employer relations, placing emphasis on the dignity and value of the individual. Programs and services of this division include: Governor's Awards for Excellence; Service Awards; Wage and Hour Law Administration; Pre-retirement Employee's Planning Program (PREPARE); Employee Assistance Program; Wellness Improvement for State Employees (WISE) Program; Employee Management Communications; Work Planning and Performance Review (WPPR).

The Employee and Management Development Division provides general employee and management training programs, staff support, and resources for personnel development activities for all State agencies. Among its programs and services are: Public Manager Program; Professional Skills Program; Supervisory Skills Training Program; Educational Assistance; Tuition Refund; Media Services Assistance.

The Equal Opportunity Services Division is responsible for providing leadership for the State's Equal Employment and Affirmative Action Program. Technical assistance for affirmative action planning and implementation is provided to State and local government agencies, and their affirmative action plans and programs are monitored on a regular basis. Specialized programs and services offered to meet the special and unique needs of protected groups, enhance their retention and promotability and to sensitize managers to EEO AA related issues include: Model

STATEMENTS OF ORGANIZATION

Cooperative Education Program; Affirmative Action Skills Bank; Affirmative Action Outreach Program; Positive Emphasis Program; Upward Mobility Program.

The Position Management Division has the primary responsibility of establishing and maintaining the State's Position Classification and Pay Plan for approximately 79,000 positions subject to the State Personnel Act. This division also has a significant responsibility to 140 local governmental jurisdictions in reviewing and approving pay plans for positions in those jurisdictions. Another duty of this division is the conducting of comprehensive salary and benefits surveys to assure that State Government salary levels are adequate to attract and retain competent employees. It also assists in developing and approving recommendations for substantially equivalent separate systems for local government jurisdictions.

The Workforce Resources Division administers policies guiding recruitment and selection for SPA positions and those subject to the Federal Standards for a Merit System of Personnel Administration. The division also provides assistance to agencies in particular areas of recruitment needs and carries out recruitment goals advantageous to State government as a whole. Some programs and services offered by this division are: Temporary Solutions; Careers in Government Counseling and Career Support Services; Work Options. Reduction in force and priority re-employment policies are administered in this division. Other functions include acting as liaison and coordinator on major policy matters relating to the State/Local Government relationship under the State Personnel Act, and in the interchange of personnel loaned from one governmental level to another due to an agency's need for special skills and knowledges not available within the organization.

STATE OF NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS

The Office of Administrative Hearings (OAH) is an independent, quasi-judicial agency. It is one of the twenty-five administrative departments of state government authorized by Article III, Section 11 of the North Carolina Constitution.

The purpose of this agency is to establish and carry out a uniform system of administrative rulemaking and adjudicatory procedures for state agencies thereby ensuring that the functions of

rulemaking, investigation, advocacy and adjudication are not all performed by the same group, staff or agency in the administrative process.

The mission of this agency is carried out through five groups within the Office:

- (1) The Adjudicative Staff - consists of the Chief Administrative Law Judge, who is also the Director of the agency, and Administrative Law Judges responsible for conducting hearings on various grievable issues covered by administrative law.

The Deputy Director is responsible to the Director for all functions of the agency except adjudications.

- (2) The Hearings Staff - administers the contested case hearing provisions, the processing of cases and the collection, coding and tabulation of data related to cases.
- (3) The Rules Publication Staff - performs administrative and technical work in the compilation, production and publication of the North Carolina Register and the North Carolina Administrative Code.

The Director of APA Services is responsible for the operations of the Hearings Staff, the Rules Publication Staff and all computer systems.

- (4) The Administrative Staff - performs ministerial activities involved in personnel, purchasing, payroll, budget and public relations.
- (5) The Civil Rights Division - conducts investigations and seeks resolutions of discrimination cases deferred by the Equal Employment Opportunities Commission.

The public may obtain information about and make submissions or requests to the Office of Administrative Hearings in person at 424 North Blount Street, Raleigh, North Carolina, by mail at Post Office Drawer 11666, Raleigh, N. C., 27604, and by telephone as follows:

Administrative Staff
(919) 733-2691

Rules Publication Staff
(919) 733-2678

STATEMENTS OF ORGANIZATION

Hearings Staff
(919) 733-2698

Civil Rights Division
(919) 733-0431

The following agencies did not submit a Statement of Organization: Commerce; Council of State; Governor's Office; Insurance; Board of Chiropractic Examiners; Board of Registration for Foresters; Board of Hearing Aid Dealers and Fitters; Board of Landscape Architects; Registration Board of Landscape Contractors; Board of Osteopathic Examination and Registration; Board of Examiners of Plumbing and Heating Contractors; Board of Examiners for Speech, Language Pathologists and Audiologist.

**TITLE 1 - DEPARTMENT OF
ADMINISTRATION**

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Administration intends to adopt rules cited as 1 NCAC 21F .0101 - .0102, .0201 - .0205, .0301 - .0304, .0401 - .0405, .0501 - .0504.

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 10:00 a.m. on September 14, 1988 at Policy and Planning Conference Room, Department of Administration, 5th Floor, 116 West Jones Street, Raleigh, North Carolina 27603-8003.

Comment Procedures: Any interested person may present his or her views and comments either in writing prior to or at the hearing or orally at the hearing. Any person may request information, permission to be heard or copies of the proposed regulations by writing or calling Becky Barbee, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27603-8003, (919) 733-7232.

**CHAPTER 21 - ADMINISTRATIVE ANALYSIS
DIVISION**

**SUBCHAPTER 21F - N.C. STATE EMPLOYEE
SUGGESTION SYSTEM**

SECTION .0100 - GENERAL PROVISIONS

.0101 PURPOSE

The North Carolina State Employee Suggestion System, hereinafter referred to as ESS, is a meritorious service award program which provides for equitable compensation and/or recognition to state employees who develop and submit valid suggestions that are used by the state.

The program is designed to stimulate creative and innovative thinking by state government employees, to foster a climate in state government which will motivate employees to submit their ideas and suggestions for improvement, to provide an impartial review and evaluation of employee suggestions by persons qualified to judge their merits, and to ensure that meritorious suggestions are appropriately rewarded and that appropriate recognition is given to the employee.

As a productivity initiative in North Carolina State Government, the Suggestion System promotes efficiency and economy in state operations and services by increasing productivity, improv-

ing work conditions, improving services to the public, identifying safety hazards, conserving energy resources, eliminating all forms of waste and unnecessary expenditures and increasing employee morale.

Statutory Authority G.S. 143-340(1).

.0102 DEFINITIONS

For the purpose of this Subchapter, the following definitions shall apply:

- (1) "Employee Suggestion System Office" means the office established in the Office of Administrative Analysis (OAA). OAA, charged with the responsibility for ESS's daily operations, provides staff support and maintains its central files and records.
- (2) "Executive Secretary" means the individual appointed by the Secretary of Administration to administer ESS.
- (3) "Administrative Officer" means the individual appointed by the Executive Secretary to supervise the daily operations of the ESS.
- (4) "Department's Suggestion System Coordinator" means the individual serving as liaison between a principal state department or a state university and the ESS Office. Acting for the university or department head, he/she coordinates the department's or university's responsibilities for the operation of the program.
- (5) "Advisory Committee" means the committee that is responsible for advising, recommending, and reacting to needed changes to ESS policies and procedures, assisting in the determination of the general direction in which the program should move, assisting in determining ways to better promote participation in the program by all areas of the government and providing a forum to allow adoptable suggestions to be exchanged across departmental lines.
- (6) "Evaluation Form" is the form used to evaluate an adopted suggestion's impact on various factors when the adopted suggestion results in tangible benefits to the state. The form, developed and approved by the ESS Office, is the only document to be used for this purpose. The document may be reproduced by agencies as required.

Statutory Authority G.S. 143-340(1).

**SECTION .0200 - ELIGIBILITY
REQUIREMENTS: EMPLOYEE ELIGIBILITY;
SUGGESTION ELIGIBILITY AND SUGGESTER
ELIGIBILITY**

.0201 FULL TIME EMPLOYEES

Any state employee who is a contributing member of one of the following retirement programs is eligible to participate in the ESS:

- (1) Teachers' and State Employees' Retirement System.
- (2) Law Enforcement Officers Benefit and Retirement Fund.
- (3) Uniform Judicial Retirement System.
- (4) Uniform Clerks of Superior Court Retirement System.
- (5) Uniform Solicitorial Retirement System.
- (6) Optional Retirement Program.

Statutory Authority G.S. 143-340(1).

.0202 PART TIME AND TEMPORARY EMPLOYEES

Part-time and temporary state employees not eligible for one of the retirement programs are eligible to participate in the ESS.

Statutory Authority G.S. 143-340(1).

.0203 SUGGESTION ELIGIBILITY

Any suggestion from any employee which is useful, practical, constructive and is of benefit to the state is eligible for review by the ESS except as detailed in this Rule:

- (1) To be eligible for review, a suggestion must be legibly written on an official suggestion form, propose a specific method of implementation, and must be signed and dated by the originator.
- (2) If the same suggestion is submitted by two or more persons separately, the first suggestion received by the ESS Office is eligible for review.
- (3) In the event that a suggestion is evaluated and approved for implementation and it is then discovered that the suggestion is substantially similar to another suggestion which was previously disapproved but still classified as being "active", special evaluation procedures will be followed. The executive secretary shall appoint a committee to be convened by the ESS Administrator consisting of at least three members of the ESS Departmental Coordinators [including representative(s) from the implementing department(s)]. The committee will consider the following criteria and make a recommendation to the ESS Executive Secretary concerning an appropriate award:
 - (a) The determination shall be made as to whether the second suggestion is in fact a duplicate.
 - (b) The determination shall be made as to which suggestion was most responsible for

prompting activity on the part of management to implement the suggestion. The suggestion responsible for improvements may be recommended for an award.

- (c) Where evidence does not clearly indicate which suggestion prompted improvements, the committee may recommend a shared award.
- (4) A suggestion must stimulate activity on the part of management.
- (5) Any suggestion which duplicates another suggestion eligible for consideration or for which an award has been previously granted is ineligible.
- (6) Suggestions which concern matters which are actively being considered by supervision or management are ineligible.
- (7) Suggestions which involve routine maintenance matters or requests for supplies and services that should be reported through established channels are ineligible.
- (8) Suggestions which propose changes in taxes or fees which are legislatively established are ineligible.
- (9) Personal grievances and complaints are ineligible.
- (10) Suggestions concerning employee compensation and individual position classifications are ineligible.
- (11) Suggestions which propose unclear or non-specific methods are ineligible.
- (12) Suggestions which propose following established procedures are ineligible.
- (13) The active life of a valid suggestion shall be one year.
- (14) A suggestion can still be adopted even though the suggester is ineligible for an award.

Statutory Authority G.S. 143-340(1).

.0204 SUGGESTER ELIGIBILITY

(a) Employees are not eligible who submit suggestions that:

- (1) Are a result of assigned or contracted audits, studies, surveys, projects, reviews or research, or
 - (2) Would normally be expected in the performance of their job duties and responsibilities and assigned tasks. This would include tasks assigned in their written job descriptions from OSP as well as their work descriptions, and tasks for which they have the authority to change the manner in which they are carried out.
- (b) Supervisory personnel are not eligible to receive an award for a suggestion pertaining to

their work unit. The supervisory employee is eligible to receive an award for a suggestion that pertains to work units other than his/her own unit.

(c) Employees who have the authority to independently implement an idea, whether or not it is part of their assigned duties, are ineligible.

(d) Employees who submit suggestions that are a result of any formal departmental employee-participation or incentive programs are ineligible for a monetary award except as the suggestion has application to units other than the employee's unit.

(e) Employees serving on any department suggestion system committee, sub-committee or ad hoc committee are not eligible to become involved with the decision to adopt their suggestions.

Statutory Authority G.S. 143-340(1).

.0205 RESPONSIBILITY OF EXECUTIVE SECRETARY

The Executive Secretary is responsible for and ensures compliance with the rules regarding the final determination of employees' eligibility, suggestion eligibility and suggester eligibility.

Statutory Authority G.S. 143-340(1).

SECTION .0300 - TYPES OF AWARDS: MONETARY; NON-MONETARY AND SPECIAL AWARDS

.0301 GENERAL PROVISIONS

(a) Once a suggestion has been approved for adoption by one or more agencies, an assessment will be made as to whether a monetary or a non-monetary award is to be granted.

(b) Once awarded, all suggestions (monetary or non-monetary) become the property of the state. The suggester remains eligible for an award (monetary or non-monetary) for one year from the date on the letter from ESS indicating it will be adopted. At the end of this one-year period, the state is no longer liable for any awards.

Statutory Authority G.S. 143-340(1).

.0302 MONETARY AWARDS

(a) When an adopted suggestion results in monetary savings to the state, a monetary award will be granted the suggester provided that both the suggester and suggestion are eligible.

(b) The amount of money awarded for a suggestion shall be 25 percent of the net annual savings resulting from the first year of implementation. The amount awarded shall be at least one hundred dollars (\$100.00) and not more than

five thousand dollars (\$5,000.00) (see table in this Rule). When the amount of net annual savings is less than five hundred dollars (\$500.00) but more than one hundred dollars (\$100.00), the employee may opt to receive one day of leave in lieu of a cash award. On suggestions where it is anticipated that net annual savings will be less than one hundred dollars (\$100.00), no monetary award will be made.

Classification of Monetary Awards

<u>Amount of Net Annual Savings</u>	<u>Cash Award</u>
Less than \$100	None
\$100 to \$500	either 25% or 1 day of leave
\$501 to \$19,999	25%
\$20,000 or more	\$5,000

Recognition
Certificate
Certificate
Certificate
Certificate

(c) Each implementing agency will be responsible for the payment of cash awards when the awards become due, and may elect to pay in one of the following ways:

- (1) The cash award may be paid to the suggester in a single lump sum payment after the suggestion has been in effect for 12 months.
- (2) A lump sum may be paid at any time prior to 12 months provided that the full impact of the suggestion has been realized and the total savings value of the suggestion has reached twenty thousand dollars (\$20,000.00) and can be documented.
- (3) A partial payment may be granted the suggester at the discretion of the implementing agency with approval of the Executive Secretary. The remainder of the cash award will be paid in a lump sum payment when total savings are documented.

(d) When a suggestion is implemented by more than one agency within one year following the date of the ESS letter indicating that the suggestion will be adopted, a pro rata share is determined by the Executive Secretary. Where the suggestion is implemented in a receipt supported agency the award shall be paid by the implementing agency subject to reimbursement on a pro rata basis by the major users. If the user fees are paid by other than state agencies, the award shall be paid by the implementing agency.

(e) If one agency implements a suggestion that results in documented first-year savings, the agency will pay the award. If any other agency or agencies subsequently adopt the suggestion within one year of the letter from ESS notifying the suggester that the suggestion is being adopted by the first agency, an additional award will be made to the suggester based on additional first-year documented savings and the percentages referenced in Rule .0302(b).

(f) The amount of award for a suggestion made by a group of employees will be divided equally among the group.

(g) If cash is awarded to duplicate suggestions that are received by the ESS Office on the same day, the amount will be divided equally between those duplicate suggestions.

Statutory Authority G.S. 143-340(1).

.0303 NON-MONETARY AWARDS

(a) When an adopted suggestion results in intangible benefits to the state, a non-monetary award will be granted the employee.

(b) Non-monetary awards shall be based on an accumulation of points awarded for the degree of suggestion impact on various factors. The evaluation form is used for this purpose. The table in this Rule outlines the level of non-monetary awards.

Non-Monetary Awards

<u>Points</u>	<u>Recognition</u>
25 or less	Certificate
26-50	Certificate
51-75	Certificate
76-105	Certificate

Days of Leave

None
1 day
2 days
3 days

(c) Any leave awarded for a suggestion made by a group of employees will be divided equally among the group.

(d) If leave is awarded to duplicate suggestions that are received by the ESS Office on the same day, the amount will be divided equally between those duplicate suggestions.

(e) All leave awarded shall be in addition to regular leave earnings, and a separate record should be maintained by the employee's department. If the leave is not taken within 12 months following the award, it shall be cancelled. No portion of this leave shall be included in any terminal leave payment that would result in the total being in excess of 240 hours.

Statutory Authority G.S. 143-340(1).

.0304 SPECIAL AWARDS

(a) Upon recommendation by the affected departmental suggestion system coordinator and the Executive Secretary, the Secretary of Administration may grant an appropriate award to an employee who would otherwise be considered ineligible when a submitted suggestion is so superior or meritorious as to have broad impact or large savings and warrants special recognition. The type of award will depend upon circumstances related to the suggestion.

(b) If an employee makes a suggestion informally or outside the Suggestion System and the suggestion is subsequently implemented through the employee's efforts or by others, the employee must submit the suggestion in writing on the proper form within one year from the date implementation begins to be considered for an award. No other person in the employee's immediate work area or functional organization may knowingly misrepresent himself or herself through Suggestion System channels as the originator of the suggestion. The type of award will be granted according to the policy for monetary and non-monetary awards.

Statutory Authority G.S. 143-340(1).

**SECTION .0400 - PROTECTION CRITERIA:
EMPLOYEE PROTECTION**

.0401 EMPLOYMENT STATUS

(a) An employee's rights to an award will be established based on employment status at the time the suggestion is submitted and will be protected for one year from the date of submission or until date of final disposition if longer than one year.

(b) Former state employees will remain eligible for an award if the state uses the suggestion within one year from date of submission or until date of final disposition if longer than one year.

(c) If a suggestion is not adopted for reasons other than ineligibility, it will be active for one year from the date of submission or until date of final disposition if longer than one year; to retain eligibility the employee must resubmit the suggestion prior to the expiration of the one-year eligibility period.

Statutory Authority G.S. 143-340(1).

.0402 ADMINISTRATIVE REVIEW

If a suggester disagrees with the disposition of his/her suggestion for any reason or disagrees as to his/her eligibility for an award, if the sug-

gestion has been adopted, the suggester is encouraged to pursue a resolution of the disagreement through DOA's informal settlement process. Except for decisions pending formal review pursuant to G.S. 150B, the decisions issued by ESS shall be final and conclusive as to persons entitled to an award and the nature and cash amount of such award, if any.

Statutory Authority G.S. 143-340(1).

.0403 DISCRIMINATION

The Employee Suggestion System will refrain from any practice which discriminates against the suggester on the basis of age, race, religion, color, national origin, sex, or handicapped condition, etc.

Statutory Authority G.S. 143-340(1).

.0404 TAXES

State and Federal tax laws require the withholding of state and federal taxes from awards.

Statutory Authority G.S. 143-340(1).

.0405 FILE REVIEW AND COPY

A suggester may review in full the documentation related to his/her evaluation. Further, a copy may be obtained from the Suggestion System by request in writing and by payment for the cost per page of copying.

Statutory Authority G.S. 143-340(1).

**SECTION .0500 - PROTECTION CRITERIA:
STATE PROTECTION**

.0501 POLICY CHANGES

Notice will be given to each state department and university by mail to the appropriate director (Secretary or Council of State, etc.) when the state changes any policies, structures or systems that affect the management of ESS.

Statutory Authority G.S. 143-340(1).

.0502 CLAIMS AGAINST THE STATE

The use of employee suggestions by the state shall not be the basis of further claims of any kind by the suggester, the suggester's heirs or assigns.

Statutory Authority G.S. 143-340(1).

.0503 TERMINATION RIGHTS

The state retains the right to terminate ESS at any time without notice.

Statutory Authority G.S. 143-340(1).

.0504 USE OF IDEAS

The state will have the right to use all suggestions for which an award is made. The state will also have the right to use suggestions which are ruled ineligible under the Suggestion System policies, as well as those suggestions where the suggester is ineligible.

Statutory Authority G.S. 143-340(1).

**TITLE 2 - DEPARTMENT OF
AGRICULTURE**

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. Board of Agriculture intends to adopt rules cited as 2 NCAC 48A .1501 - .1508; 2 NCAC 48C .0026 amend rules cited as 2 NCAC 20B .0104(d),(e); 2 NCAC 38 .0301(2), .0401, .0701(1), (2), .0704; 2 NCAC 48C .0002(2),(o), .0005(6), .0023(e),(f).

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 10:00 a.m. on September 14, 1988 at Board Room, Agriculture Bldg., 1 W. Edenton St., Raleigh, N.C.

Comment Procedures: Interested persons may present statements either orally or in writing at the public hearing or in writing prior to the hearing by mail addressed to David S. McLeod, Secretary of the North Carolina Board of Agriculture, P.O. Box 27647, Raleigh, NC 27611.

**CHAPTER 20 - THE NORTH CAROLINA STATE
FAIR**

**SUBCHAPTER 20B - REGULATIONS OF THE
STATE FAIR**

SECTION .0100 - GENERAL PROVISIONS

.0104 ADMISSION REGULATIONS

~~(d) The following schedule of outside gate admission prices shall be in effect during the period of the fair or as indicated:~~ Outside admission prices are as follows:

- | | |
|--|---------------------------------|
| (1) adult/child, 13 years of age and over | ~~\$3.00~~ <u>\$4.00</u> |
| (2) child, 6 through 12 years of age | <u>\$1.00</u> |
| (3) senior ~~citizens,~~ <u>citizen</u> , 65 and over | <u>Free</u> |
| (4) child, under 6 years of age | <u>Free</u> |

(e) Outside gate admission prices for advance ticket sales are as follows:

- (1) adult/child, 13 years of age and over
.....\$3.50
- (2) child, 6 through 12 years of age
.....\$1.00
- (3) senior citizen, 65 and over
.....Free
- (4) child, under 6 years of age
.....Free
- (5) adult group sales purchasing a minimum of 50 tickets
.....\$3.25

Statutory Authority G.S. 106-503.

CHAPTER 38 - STANDARDS DIVISION

SECTION .0300 - PACKAGE AND LABELING REQUIREMENTS

.0301 ADOPTION BY REFERENCE

The following are adopted by reference in accordance with G.S. 150B-14(c) as standards for packaging and labeling and for determining compliance of packaged goods with net contents labeling requirements:

- (2) National Bureau of Standards, Handbook 133, ~~Second Edition~~ "Checking the Net Contents of Packaged Goods".

Statutory Authority G.S. 81A-4; 150B-14.

SECTION .0400 - METHOD OF SALE OF COMMODITIES

.0401 ADOPTION BY REFERENCE

The board hereby adopts by reference in accordance with G.S. 150B-14(c) the National Bureau of Standards, Handbook 130, "Method of Sale of Commodities Regulation" with the following additions and exceptions: ~~to the 1987 "Method of Sale of Commodities Regulation":~~

- (1) Delete Section 1.2., "Bread", since this is addressed in General Statute 81A-41.
- (2) The preferred method for measuring fireplace and stove wood is by the cord or fractional parts of a cord, however, nothing in Section 2.3, "Fireplace and Stove Wood", shall be construed as preventing the purchaser and seller of fireplace or stove wood from agreeing on a quantity other than a cord or fractional parts of a cord.
- (3) Sections 2.9., 2.11., 2.19., 4., and 5. are deleted.
- (4) Section 2.18 applies only to kerosene sold in a container or kerosene sold through a retail device. In addition, a container or a

device shall clearly and conspicuously indicate for 1-K kerosene "SUITABLE FOR USE IN UNVENTED HEATERS" and for 2-K kerosene "MAY NOT BE SUITABLE FOR USE IN UNVENTED HEATERS".

- (5) In Section 2.20., the temperature compensation requirements are not mandatory. However, if a company elects to sell liquefied petroleum gas on a temperature compensated basis, then all meters in the truck fleet must be equipped with an activated automatic temperature compensator which will remain in continuous operation for a period of not less than one year.

Copies of National Bureau of Standards, Handbook 130, "Method of Sale of Commodities Regulation" are available for inspection in the Office of the Director of the Standards Division and may be obtained at a cost as determined by the publisher by contacting Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Statutory Authority G.S. 81A-4; 150B-14.

SECTION .0700 - STANDARDS FOR STORAGE: HANDLING AND INSTALLATION OF LP GAS

.0701 ADOPTION BY REFERENCE

The following are adopted by reference, in accordance with G.S. 150B-14(c), as standards for storage, handling and installation of liquefied petroleum gas:

- (1) National Fire Protection Association, Pamphlet No. 58, ~~1986 edition~~, "Storage and Handling of Liquefied Petroleum Gases," with the following additions and exceptions:
 - (a) When two or more containers are manifolded to a single service, each container shall be considered independent of the other and all rules and regulations relating to a single container shall apply;
 - (b) All cut-off valves and regulating equipment exposed to rain, sleet, or snow shall be protected against such elements either by design or by a hood;
 - (c) "Firm Foundation" as used in Chapter 3 of Pamphlet 58 means that the foundation material has a level top surface, rests on solid ground, is constructed of a masonry material or wood treated to prevent decay by moisture rot and will not settle, careen or deteriorate;
 - (d) No person shall use liquefied petroleum gas as a source of pressure in lieu of compressed air in spray guns or other pressure operated equipment; and

- (c) Piping, tubing or regulators shall be considered well supported when they are rigidly fastened in their intended position.
- (2) National Fire Protection Association, Pamphlet No. 54, 1984 edition, "National Fuel Gas Code," with the addition that underground service piping shall rise above ground immediately before entering a building.

Statutory Authority G.S. 119-55; 150B-14.

.0704 APPROVED THIRD PARTY TESTING LABORATORIES

In accordance with G.S. 119-58(a)(1), ~~the following third party testing laboratories accredited by the North Carolina Building Code Council are accepted for approving gas appliances that are designed or built for domestic use. as long as said laboratories continue to be accredited by the North Carolina Building Code Council: Gas Appliance Laboratories, Inc., Los Angeles, California.~~

Statutory Authority G.S. 119-58.

CHAPTER 48 - PLANT INDUSTRY

SUBCHAPTER 48A - PLANT PROTECTION

SECTION .1500 - GYPSY MOTH

.1501 DEFINITIONS

For the purposes of this Section, the following shall apply:

- (1) Associated Equipment. Articles associated with mobile homes and recreational vehicles, such as, but not limited to, awnings, tents, outdoor furniture, trailer blocks, and trailer skirts;
- (2) Certificate. A document issued or authorized to be issued by an inspector to allow the movement of regulated articles to any destination;
- (3) Compliance Agreement. A written agreement between a person engaged in growing, handling, or moving regulated articles, and the North Carolina Department of Agriculture, Plant Industry Division, wherein the former agrees to comply with the requirements of the compliance agreement;
- (4) Exemptions. Conditions contained in these Regulations which provide for modifications in conditions of movement of regulated articles from regulated areas under specified conditions;
- (5) Hazardous Recreational Vehicle Site. Any site where a recreational vehicle is, or may

be parked, and it is determined in the professional judgment of an inspector that such site harbors populations of gypsy moth that could be spread by movement of recreational vehicles or associated equipment;

- (6) Infestation:
 - (a) The presence of gypsy moths based on the trapping of male moths in such a pattern which indicates the establishment of a reproducing population; or
 - (b) The detection of any other life stage of the gypsy moth through visual inspection in a sufficient population to present a regulatory hazard; however, it does not include the presence of life stages of gypsy moth not established in the wild which are found as a result of hitchhiking on transitory means of conveyance;
- (7) Inspector. Any authorized employee of the North Carolina Department of Agriculture, Plant Industry Division, or any other person authorized by the Commissioner of Agriculture to enforce the provisions of this quarantine;
- (8) Mobile Home. Any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business;
- (9) Permit. A document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization, or processing, or for treatment;
- (10) Gypsy Moth. The live insect, *Lymantria dispar* Linnaeus, in any life stage (egg, larva, pupa, adult);
- (11) Recreational Vehicles. Highway vehicles, including pickup truck campers, one-piece motor homes, and travel trailers, designed to serve as a temporary place of dwelling;
- (12) Regulated Areas. Any counties or parts of counties in the State of North Carolina listed or provided for in these rules;
- (13) Outdoor Household Articles. Articles associated with a household that have been kept outside the home such as outdoor furniture, barbecue grills, dog houses, boats, hauling trailers, garden tools, tents, and awnings;
- (14) Scientific Permit. A document issued by the North Carolina Department of Agriculture, Plant Industry Division to authorize the movement of regulated articles to a specified destination for scientific purposes.

Statutory Authority G.S. 106-420.

.1502 REGULATED ARTICLES

The following articles are regulated under the provisions of this Section:

- (1) the gypsy moth (*Lymantria dispar* Linnaeus) in any living stage of development;
- (2) trees with roots, and shrubs with roots and persistent woody stems, except if greenhouse grown throughout the year;
- (3) logs and pulpwood, except if moved to a mill operating under a compliance agreement;
- (4) firewood (unless moved as an outdoor household article);
- (5) mobile homes and associated equipment;
- (6) recreational vehicles and associated equipment (unless moving as an outdoor household article), moving from hazardous recreational vehicle sites and the person in charge of the site has been notified;
- (7) cut Christmas trees or trees without roots;
- (8) any other products, articles, or means of conveyance, of any character whatsoever, when it is determined by an inspector that any life stage of gypsy moth is in proximity to such articles and the articles present a high risk of artificial spread of gypsy moth infestation and the person in possession thereof has been so notified.

Statutory Authority G.S. 106-420.

.1503 REGULATED AREAS

The following areas are regulated areas under the provisions of this Section:

- (1) any area outlined in 7 C.F.R. §301.45;
- (2) Currituck - The entire county;
- (3) that area of Dare County east of Currituck Sound and north of state road 1208 (Kitty Hawk Road) to Currituck County line;
- (4) other areas - Any other areas in the State of North Carolina now known or hereafter found infested with gypsy moth, such other areas to become immediately subject to these rules when the property owner or his agent is notified by the Plant Pest Administrator through direct written notice to those concerned. Such newly infested areas shall be presented at least one time annually to the Board of Agriculture when said board can rescind or confirm such regulated areas.

Statutory Authority G.S. 106-420.

.1504 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES

The following conditions govern the movement of regulated articles:

- (1) Certificate or permit - Unless exempted, a certificate or permit must accompany the movement of regulated articles from any regulated area into or through any point outside thereof. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles provided, in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated areas, to the satisfaction of an inspector;
- (2) Issuance of certificates - Certificates may be issued by an authorized inspector for movement of regulated articles under any of the following conditions:
 - (a) In the judgement of the inspector, they have not been exposed to infestations;
 - (b) They have been examined by the inspector and found to be free of gypsy moth;
 - (c) They have been treated to destroy gypsy moth under the direction of the inspector and according to methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied;
 - (d) Grown, produced, manufactured, stored, or handled in such manner that, in the judgement of the inspector, gypsy moth would not be transmitted by movement of the article.
- (3) Issuance of permits - Permits may be issued by an authorized inspector for the movement of noncertified regulated articles to specified destinations under conditions specified for limited handling, use, processing, or treatment;
- (4) Federal certificates or permits - Federal certificates or permits can be used on all regulated articles interchangeably with North Carolina Department of Agriculture, Plant Industry Division Certificates;
- (5) Use of certificates or permits with shipments - All regulated articles are required to have a certificate or permit attached when offered for movement. If a certificate or permit is attached to the invoice or waybill, the attachment of a certificate or permit to the regulated article will not be required. Certificates or permits attached to the invoice, waybill, or other shipping document, shall be given by the carrier to the consignee at the destination of the shipment, or to an inspector when requested;
- (6) Assembly of articles for inspection - Persons (other than those authorized to issue

certificates or permits), who desire to move interstate or intrastate any regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, (should be no less than 48 hours before the desired movement), request an inspector to examine the articles prior to movement. Such articles shall be assembled at such point and in such manner as the inspector designates to facilitate inspection.

Statutory Authority G.S. 106-420.

.1505 COMPLIANCE AGREEMENT

Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles. A compliance agreement shall specify safeguards necessary to prevent spread of the gypsy moth, such as disinfection practices or application of chemical materials.

Statutory Authority G.S. 106-420.

**.1506 CANCELLATION OF CERTIFICATES/
PERMITS/COMPLIANCE AGREEMENTS**

Any certificate, permit, or compliance agreement which has been issued or authorized may be cancelled by the inspector if he determines that the holder has not complied with conditions for their use.

Statutory Authority G.S. 106-420.

**.1507 INSPECTION AND DISPOSAL OF
REGULATED ARTICLES**

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles, outdoor household articles and gypsy moths as provided in the North Carolina Plant Pest Law.

Statutory Authority G.S. 106-420.

**.1508 SHIPMENT FOR SCIENTIFIC
PURPOSES**

Any living stage of the gypsy moth may be moved intrastate only if such movement is made for scientific purposes under scientific permit from the North Carolina Department of Agriculture, and in accordance with any conditions which may be required in the permit. The permit shall be securely attached to the outside of the shipping container.

Statutory Authority G.S. 106-420.

SUBCHAPTER 48C - SEEDS

.0002 NOXIOUS SEED LIST

The following seeds are classified as prohibited noxious or restricted noxious:

(2) restricted noxious:

- (o) ~~Ragged Robin~~ Cornflower--*Centaurea cyanus* (known in North Carolina as Ragged Robin) 27 seeds

Statutory Authority G.S. 106-277.9; 106-277.15.

.0005 PROHIBITED SALES

The sale of any agricultural seed containing any of the following ~~are~~ is prohibited:

- (6) over 27 wild onion and/or wild garlic (in grasses and small seeded legumes), Bermuda grass, Canada thistle, bindweed, ~~ragged robin, cornflower~~, Texas panicum or nutsedge seeds;

Statutory Authority G.S. 106-277.9; 106-277.15.

**.0023 ANALYSIS FOR FARMERS OR
SEEDMEN**

(e) Fees for in-state testing of tall fescue and other grass seeds and plant tissues for the presence of fungal endophytes ~~will be charged~~ are as follows:

- (1) fifteen dollars (\$15.00) per sample for seeds;
- (2) fifteen dollars (\$15.00) per sample for plant tissue analysis; ~~for fungal endophyte presence;~~
- (3) twenty-five dollars (\$25.00) per sample for seeds which require seedling production. ~~for detection of live fungal endophyte.~~

(f) Fees for out-of-state testing of tall fescue and other grass seeds and plant tissues for the presence of fungal endophytes are as follows:

- (1) thirty-five dollars (\$35.00) per sample for seeds;
- (2) twenty-five dollars (\$25.00) per sample for plant tissue analysis;
- (3) forty-five dollars (\$45.00) per sample for seeds which require seedling production.

Statutory Authority G.S. 106-277.15.

.0026 GERMINATION TEST PERIOD

The germination test period for hermetically sealed vegetable seed in containers of one pound or less shall be 24 months, exclusive of the calendar month in which the test was completed.

Statutory Authority G.S. 106-277.9; 106-277.15.

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

Notice is hereby given in accordance with G.S. 150B-12 that the Medical Care Commission intends to adopt rules cited as 10 NCAC 3H .0514 - .0517, and amend the rule cited as 10 NCAC 3H .0513.

The proposed effective date of this action is January 1, 1989.

The public hearing will be conducted at 9:30 a.m. on September 16, 1988 at Hearing Room, 701 Barbour Drive, Raleigh, NC 27603.

Comment Procedures: Any interested person may present his/her comments in writing at least three days prior to or at the hearing or orally at the hearing for a maximum of ten minutes. Any person may request information by writing or calling Lynda McDaniel, Division of Facility Services, 701 Barbour Drive, Raleigh, NC 27603, (919) 733-2342.

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3H - RULES FOR THE LICENSING OF NURSING HOMES

SECTION .0500 - NURSING SERVICES

.0513 ORIENTATION AND STAFF DEVELOPMENT

(a) A licensed facility shall provide for all patient or resident care employees a planned orientation and continuing education program emphasizing patient or resident assessment and planning, activities of daily living, personal grooming, rehabilitative nursing and/or restorative care, other patient or resident care policies and procedures, patients' rights, and staff performance expectations. Attendance and subject matter covered shall be documented for each session and available for licensure inspections.

(b) The administrator shall assure that each employee is oriented within the first week of employment to the facility's philosophy and goals.

(c) Each employee shall have specific on-the-job training as necessary for the employee to properly perform his individual job assignment.

(d) Each nurse's aide without one year's experience in a nursing home setting who is hired on or after (the effective date of this rule) to work in a facility shall have successfully completed a nurse's aide training program approved by the Division of Facility Services (DHS), or shall enroll in the first available approved training program which is scheduled to commence within 90 days of the date of the nurse's aide's employ-

ment. The program may be established by the facility or by an organization or educational institution. The training program shall consist of at least the following:

- (1) 20 hours of classroom instruction within 90 days of employment. At least 10 hours shall be given before the nurse's aide is assigned direct patient care duties. The instruction shall include the employee's duties, basic personal care skills, restorative care, patient safety and rights, social and psychological aspects of aging, interaction with families, importance of activities and social services, and death and dying.
- (2) 40 hours of supervised training. These hours shall consist of an appropriately supervised work assignment and shall begin within the first 90 days of employment. The 40 hours of supervised training shall be completed within the first 120 days of employment.
- (3) Proof of successful completion of training shall be retained in the facility records, and be available for inspection.

Statutory Authority G.S. 131E-104.

.0514 NURSE AIDE QUALIFICATIONS

(a) Effective October 1, 1989 a facility shall not use as a nurse aide, any individual not qualifying under the provisions of Rule .0515 unless the individual is within the first four months after being hired.

(b) Nurse aides qualified under the provisions of Rule .0515 who experience a period of 24 consecutive months or more of not being actively employed in delivering nursing services shall be considered unqualified. Qualification may be reestablished by successfully passing an approved competency evaluation. Any individual, nursing home, or education facility may offer department approved vocational education for nursing home nurse aides.

(c) An accurate record of nurse aide qualifications shall be maintained for each nurse aide used by a facility and shall be retained in the general personnel files of the facility.

Statutory Authority G.S. 131E-104.

.0515 APPROVED NURSE AIDE EDUCATION

(a) Effective January 1, 1989 the curriculum content required for nurse aide education programs shall be subject to approval by the Division of Facility Services and shall include, as a minimum, basic nursing skills, personal care skills, cognitive, behavioral and social care, basic

restorative services, and patients' rights. Successful course completion shall be determined by passing a competency evaluation test. The minimum number of course hours shall be 75 of which at least 20 hours shall be classroom and at least 40 hours of supervised practical experience. The initial orientation to the facility shall be exclusive of the 75-hour training program. Competency evaluation shall be conducted in each of the following areas:

- (1) Observation and documentation,
 - (2) Basic nursing skills,
 - (3) Personal care skills,
 - (4) Mental health and social service needs,
 - (5) Basic restorative services,
 - (6) Residents' Rights.
- (b) Approval and continuing approval of nurse aide education programs shall be contingent upon maintenance of a two year history of substantial compliance with licensure rules.

Statutory Authority G.S. 131E-104.

.0516 COMPETENCY EVALUATION

- (a) Successful course completion and skill competency shall be determined by competency evaluation approved by the department.
- (b) Commencing July 1, 1989, nurse aides who had formerly been fully qualified under nurse aide training requirements may re-establish their qualifications by successfully passing a competency evaluation test.

Statutory Authority G.S. 131E-104.

.0517 NORTH CAROLINA NURSE AIDE REGISTRY

The function of the North Carolina Nurse Aide Registry is to maintain a central listing of registered nurse aides. Effective January 1, 1990, a facility shall not permit an individual to work as a nurse aide for a period longer than four months without verifying the person's registry or successful completion of an approved training program.

Statutory Authority G.S. 131E-104.

Notice is hereby given in accordance with G.S. 150B-12 that the Director of the Division of Mental Health, Mental Retardation and Substance Abuse Services and Commission for Mental Health, Mental Retardation and Substance Abuse Services intends to adopt rules cited as 10 NCAC 14B .0501-.0504.

Notice is hereby given in accordance with G.S. 150B-12 that the Commission for Mental Health, Mental Retardation and Substance Abuse Services intends to adopt rules cited as 10 NCAC 14B .0505-.0506 and 15A .0601-.0609.

Notice is hereby given in accordance with G.S. 150B-12 that the Director of the Division of Mental Health, Mental Retardation and Substance Abuse Services intends to adopt rules cited as 10 NCAC 14B .0507-.0508 and 15A .0501-.0504.

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 11:00 a.m. on September 14, 1988 at Holiday Inn State Capitol, 320 Hillsborough Street, Raleigh, NC 27603.

Comment Procedures: Any interested person may present his/her comments by oral presentation or by submitting a written statement. Persons wishing to make oral presentations should contact: Jan Warren, Division of Mental Health, Mental Retardation and Substance Abuse Services, 325 N. Salisbury Street, Raleigh, NC 27611, (919) 733-7971 by Sept. 14, 1988. The hearing record will remain open for written comments from Aug. 15, 1988 through Sept. 14, 1988. Written comments must be sent to the above address and must state the rule(s) to which the comments are addressed. Fiscal information on these rules is also available from the same address.

CHAPTER 14 - MENTAL HEALTH: GENERAL

SUBCHAPTER 14B - RULES OF PROCEDURE

SECTION .0500 - WAIVER OF COMMISSION AND DIVISION DIRECTOR RULES

.0501 PURPOSE AND SCOPE

The purpose of the rules in this Section is to specify the procedures for requesting and ruling on requests for waiver of rules adopted by the Commission for Mental Health, Mental Retardation and Substance Abuse Services and the Director of the Division of Mental Health, Mental Retardation and Substance Abuse Services, except for waivers from licensure rules which are granted by the Division of Facility Services.

Statutory Authority G.S. 122C-112(a)(8); 143B-147(a)(8).

.0502 REQUESTS FOR WAIVERS

Requests for waivers shall be sent to the Agency Legal Specialist, Division of Mental Health, Mental Retardation, and Substance Abuse Services, 325 North Salisbury Street, Raleigh, North Carolina 27611.

Statutory Authority G.S. 122C-112(a)(8); 143B-147(a)(8).

.0503 CONTENTS OF WAIVER REQUESTS

Waiver requests shall be in writing and shall contain:

- (1) the name, address and telephone number of the requester;
- (2) the name, address and telephone number of the facility, program, agency or other entity for which waiver is requested;
- (3) the rule number(s) and title(s) of the rule(s) for which waiver is being sought;
- (4) a statement of facts showing why the waiver has been requested with supporting documents as appropriate; and
- (5) proof of approval recommendation for waiver requests and date(s) such approvals recommendations were given:
 - (a) area program requests: proof of area board approval;
 - (b) contract agency (of area programs) requests: proof of recommendation by area board and proof of contract agency governing body approval; and
 - (c) requests from private or public facilities not contracting with an area program: proof of governing body approval.

Statutory Authority G.S. 122C-112(a)(8); 143B-147(a)(8).

.0504 AUTHORITY TO GRANT WAIVER

Upon receipt of a waiver request as described in Rule .0503 of this Section, the agency legal specialist or his designee shall determine whether authority to grant waiver of the rule(s) lies with the commission or with the division director and shall direct the waiver request to the commission or division director within 10 days of receiving it.

Statutory Authority G.S. 122C-112(a)(8); 143B-147(a)(8).

.0505 PROCEDURE FOR WAIVERS BY COMMISSION

If the rule for which waiver is requested was adopted pursuant to the rule-making authority

of the commission, the procedures set forth in this Rule shall be followed:

- (1) The chair of the commission shall refer the waiver request to the appropriate committee of the commission for the purpose of making a recommendation to all commission members regarding whether the waiver request should be granted, granted subject to certain conditions, or denied. Such designated committee members may request additional information, and consult with the division staff and other parties as necessary. Except for good cause and upon approval by the chair of the commission, such designated committee members shall complete their evaluation of the waiver request within 60 days from the date of receipt of the waiver request by the agency legal specialist.
- (2) Upon completion of the evaluation of the waiver request, as provided in (1) of this Rule, the chair of the commission shall be notified and the waiver request shall be placed on the agenda for the next regularly scheduled commission meeting. The requester shall be notified in writing regarding the time and place of the commission meeting at which the commission will vote upon the waiver request. At the discretion of the chair of the commission, the requester and or any other interested person may be given the opportunity to speak regarding the waiver request.
- (3) The commission's decision shall be issued in writing by the chair of the commission and shall state the factual situation giving rise to the waiver request and the reason why the waiver request was granted, granted subject to certain conditions, or denied.
- (4) The waiver may be granted retroactively to the date of governing body approval as described in Rule .0503(5) of this Section.

Statutory Authority G.S. 143B-147(a)(8).

.0506 WAIVERS REQUESTED BY COMMISSION

Any member of the commission may initiate a request for waiver of any rule(s) adopted pursuant to the rule-making authority of the commission. Except in cases where the chair of the commission initiates such request, the procedures described in Rule .0505 of this Section shall be followed. In cases where the chair of the commission initiates such request, the procedures described in Rule .0505 of this Section shall, be followed, except that the vice-chair of the commission shall act in place of the chair of the commission. Any member of the commission

may also initiate a request for waiver of rules adopted pursuant to the rule-making authority delegated to the division directory by the secretary as described in this Section.

Statutory Authority G.S. 143B-147(a)(8).

**.0507 PROCEDURE FOR WAIVERS
BY DIVISION DIRECTOR**

If the rule for which waiver is requested was adopted pursuant to the rule-making authority delegated to the division director by the secretary, the procedures set forth in this Rule shall be followed:

- (1) Prior to issuing a decision on the waiver request, the division director may request additional information, and consult with appropriate division staff and other parties as necessary.
- (2) A decision regarding the waiver request shall be issued in writing by the division director within 60 days from the date of receipt of the waiver request by the agency legal specialist and shall state the factual situation giving rise to the waiver request and the reasons why the request was granted, granted subject to certain conditions, or denied.
- (3) The waiver may be granted retroactively to the date of governing body approval as described in Rule .0503(5) of this Section.

Statutory Authority G.S. 122C-112(a)(8).

**.0508 WAIVERS REQUESTED BY
DIVISION DIRECTOR**

The division director may initiate and grant a waiver of any rule(s) adopted pursuant to the rule-making authority delegated to him by the secretary. Prior to issuing a decision on the waiver request, the division director shall consult with appropriate division staff and other parties as necessary. The division director shall document in writing the factual situation giving rise to the waiver request and the reason(s) for granting the waiver(s). The division director may also initiate a request for waiver of rules adopted pursuant to the rule-making authority of the commission as described in this Section.

Statutory Authority G.S. 122C-112(a)(8).

CHAPTER 15 - MENTAL HEALTH HOSPITALS

**SUBCHAPTER 15A - GENERAL RULES FOR
HOSPITALS**

**SECTION .0500 - DESIGNATION OF
RESEARCH FACILITIES IN REGIONAL
PSYCHIATRIC HOSPITALS**

.0501 PURPOSE AND SCOPE

The rules in this Section establish procedures by which a regional psychiatric hospital may be designated as a facility where adults who are not otherwise admissible as clients, because of an absence of mental illness, may be voluntarily admitted for the purposes of research.

*Statutory Authority G.S. 122C-112(b)(3);
122C-210.2.*

.0502 APPLICATION

- (a) Application for designation shall be made to the Director of the Division of Mental Health, Mental Retardation and Substance Abuse Services, 325 N. Salisbury Street, Raleigh, North Carolina 27611.
- (b) The application for designation shall be in letter form and shall include the following:
 - (1) name and address of facility;
 - (2) description of the organization of research within the facility;
 - (3) description of the types of research currently conducted at the facility;
 - (4) description of the types of research for which designation is requested;
 - (5) description of the conditions under which individuals, admitted under this designation, would be housed and maintained;
 - (6) assurance of an active Human Rights Committee including its operating rules; and
 - (7) description of the procedures by which the medical records and statistics would be maintained for the individuals who would be admitted under terms of G.S. 122C-210.2.

*Statutory Authority G.S. 122C-112(b)(3);
122C-210.2.*

.0503 REVIEW PROCESS

Upon receipt of the application and prior to granting designation, the division director shall evaluate the application according to the following criteria:

- (1) consistency of the research, currently conducted and proposed, with division goals and priorities;
- (2) adequacy of procedures by which medical records and statistics would be maintained separate from those kept for regularly admitted clients;
- (3) existence of an active Human Rights Committee with adequate operating rules which give the committee the authority to

monitor the care of individuals admitted for research;

- (4) adequacy of the facility's capacity to house and maintain persons admitted under this designation in a safe manner; and
- (5) any other criteria deemed relevant by the division director.

Statutory Authority G. S. 122C-112(b)(3); 122C-210.2.

.0504 DESIGNATION

(a) The division director shall notify the applicant of his decision in writing within 60 days of receipt of a complete application.

(b) Designation shall be for a specified period of time, not to exceed two years, and stated in the written decision.

(c) The division director may terminate the designation upon finding that the facility no longer meets the qualifications for designation or upon request by the facility director that designation be terminated.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

SECTION .0600 - VOLUNTARY ADMISSION OF ADULTS WHO ARE NOT OTHERWISE ADMISSIBLE AS CLIENTS TO DESIGNATED RESEARCH FACILITIES IN REGIONAL PSYCHIATRIC HOSPITALS

.0601 PURPOSE AND SCOPE

The rules in this Section establish standard procedures and uniform criteria for voluntary admissions of adults to regional psychiatric hospitals designated as research facilities within the provisions of Part I of Article 5 of Chapter 122C of the General Statutes. These individuals would not otherwise be admissible as clients under G.S. 122C-211 because of an absence of mental illness. Their reason for being admitted is to serve in approved research projects.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0602 EXPLANATION OF TERMS

For the purposes of the rules in this Section the following terms shall have the meanings indicated:

- (1) "Hospital" means one of the regional psychiatric hospitals of the division.
- (2) "Designated research facility" means a regional psychiatric hospital which has met the requirements of NCAC 15A, .0500.
- (3) "Principal investigator" means the person, or his designee, who has overall responsibility

for the conduct for the proposed research.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0603 APPLICATION FOR ADMISSION

The application for admission to participate in a specific research program shall be in writing and signed by the individual requesting admission to a designated research facility.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0604 GENERAL CRITERIA FOR VOLUNTARY ADMISSION

(a) When an individual request admission to a designated research facility the admission staff shall determine from the principal investigator that admission to the hospital is for a specific research project, approved by the facility's Human Rights Committee and the designated Institutional Research Committee.

(b) Upon admission to the designated research facility, the admission staff shall:

- (1) verify that the individual has been informed by the principal investigator of the nature of the procedures which will be employed as part of the research protocol; and
- (2) verify that the individual has signed the informed consent form covering participation in the research project.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0605 SPECIAL TREATMENT CONSIDERATIONS

(a) Individuals admitted under these rules shall have a documented examination by a physician within 24 hours of admission.

(b) An individual admitted under these rules shall be exempt from the following requirements:

- (1) a single portal of entry and exit plan;
- (2) a right to treatment pursuant to G.S. 122C - 57(a);
- (3) a treatment plan pursuant to G.S. 122C - 57(a); and
- (4) a discharge plan pursuant to G.S. 122C - 61(2).

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0606 RECORD KEEPING

(a) A client record shall be maintained for each individual and shall include but not be limited to:

- (1) application for admission;

- (2) signed informed consent form covering participation in the project;
 - (3) physical examination and review of systems;
 - (4) description of procedure performed;
 - (5) special tests;
 - (6) adverse reactions and incidents; and
 - (7) termination summary.
- (b) A complete description of medications administered shall be placed in the client record when it no longer would interfere with the purpose of the research to do so.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0607 MONITORING CARE

The Human Rights Committee of the designated facility shall monitor the care of individuals admitted under these rules during their participation in any research program.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0608 DISCHARGE

(a) An individual who has been admitted under the provisions of these rules shall be kept in the hospital no longer than is indicated by the research protocol under which he/she was admitted.

(b) An individual who has been admitted under the provisions of these rules shall be discharged upon his/her own request. The discharge request shall be in writing.

(c) An individual who has been admitted under the provisions of these rules may be discharged by the facility at any time.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

.0609 PAYMENT FOR PARTICIPATION

Reasonable compensation may be paid to individuals admitted under the provisions of these rules, for their services in participation in research projects, provided that such compensation is paid from research grant funds.

Statutory Authority G.S. 122C-112(b)(3); 122C-210.2.

* * * * *

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Human Resources/Division of Medical Assistance intends

to amend the rule cited as 10 NCAC 26H .0401(c)(4).

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 1:30 p.m. on September 14, 1988 at North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 201, Raleigh, N.C. 27603.

Comment Procedures: Written comments concerning this amendment must be submitted by September 14, 1988 to: Director, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N.C. 27603. Oral comments may be presented at the hearing. In addition, a fiscal impact statement on this rule amendment is available upon written request from the same address.

CHAPTER 26 - MEDICAL SERVICES

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0400 - PROVIDER FEE SCHEDULES

.0401 PHYSICIAN FEE SCHEDULE

(c) Fees for surgeries performed in an inpatient hospital setting will be established as follows:

(4) Payments for surgical procedures will include all pre- and post-surgical care and/or days constituting standard practice for that surgery, as determined by the Title XVIII Medicare program. In cases where the Division of Medical Assistance approves post-operative surgical care to be rendered by anyone other than the surgeon, the all-inclusive fee will be divided using the same proportions as the Title XVIII Medicare program.

Statutory Authority G.S. 108A-25(b); S.L. 1985, c. 479, s. 86.

TITLE 11 - DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Insurance intends to adopt rules cited as 11 NCAC 10 .0806, .0906 - .0907, .1006 - .1007, .1201 - .1207, .1301 - .1302, .1401 - .1402; amend rules cited as 11 NCAC 10 .0306, .0308, .0402, .0601 - .0603, .0701, .0703 - .0705, .0801 - .0804, .0901 - .0903, .1001 - .1003; repeal rules cited as 11 NCAC 10 .0202 - .0209, .0301 - .0304, .0312, .0404 - .0405, .0501 - .0505, .0604, .0805, .0905, .1005.

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 10:00 a.m. on September 14, 1988 at Third Floor Hearing Room, Dobbs Building, 430 N. Salisbury Street, Raleigh, N.C. 27611.

Comment Procedures: Written comments may be sent to Ronnie Chamberlain, P.O. Box 26387, Raleigh, N.C. 27611. Oral presentations may be made at the public hearing. Anyone having questions should call Ronnie Chamberlain at (919) 733-3368, or Linda Stott at (919) 733-4700.

CHAPTER 10 - FIRE AND CASUALTY DIVISION

SECTION .0200 - RATES AND FORMS SECTION

.0202 POLICY FORM FILINGS (REPEALED)

Statutory Authority G.S. 58-9; 58-54; 58-131.41; 58-131.56.

- .0203 RATE FILINGS (REPEALED)
- .0204 REQUIREMENT OF SUPPORTING
FILING DATA (REPEALED)
- .0205 REPLY FORMS (REPEALED)
- .0206 LONG FORM (REPEALED)
- .0207 ORGANIZATION DATA FORM
(REPEALED)
- .0208 BUREAU AND STATISTICAL AGENT
IDENTIFICATION (REPEALED)
- .0209 NO POLICY FORM DEVIATIONS
(REPEALED)

Statutory Authority G.S. 58-9; 58-25; 58-25.1; 58-26; 58-54; 58-124.17 to 58-124.28; 58-131.34; 58-131.36; 58-131.37; 58-131.38; 58-131.39; 58-131.41; 58-131.43; 58-131.44; 58-131.45; 58-131.56; 58-131.60.

SECTION .0300 - RULES AND INTERPRETATIONS

- .0301 LETTER OF TRANSMITTAL
(REPEALED)
- .0302 CONTENTS OF FILING
(REPEALED)
- .0303 FILING ARRANGEMENT
(REPEALED)
- .0304 PROHIBITED POLICY PROVISIONS
(REPEALED)

Statutory Authority G.S. 58-9; 58-30; 58-30.1; 58-54; 58-72; 58-124.17; 58-124.28; 58-131.34; 58-131.60; 58-138; 58-148; 58-156; 58-157; 58-

173; 58-173.1; 58-173.16; 58-173.33; 58-174; 58-180.2; 58-181; 58-248.2; 58-248.26; 58-248.40; 58-480.

.0306 DIVIDEND PAYMENT REQUIREMENTS

Dividends are to be paid from company surplus uniformly. Dividends are to be paid upon termination of policy year or term from surplus in excess of any minimum surplus required of the company. Advance payment of dividends is not permitted nor can they be guaranteed.

Statutory Authority G.S. 58-97; 58-124.30; 58-131.58.

.0308 PREPAID LEGAL EXPENSE PROVISIONS

Any program offering prepaid legal expense constituting the offering of insurance or offered by a company engaged in the insurance business shall have the approval of the North Carolina State Bar before it shall be considered by the commissioner for approval.

Statutory Authority G.S. 58-9; 84-23.1.

.0312 ADDITIONAL INFORMATION (REPEALED)

Statutory Authority G.S. 58-9; 58-480(e)(14).

SECTION .0400 - FIRE AND CASUALTY RATING ORGANIZATIONS

.0402 RATE BUREAU: ESSENTIAL COVERAGES

Every insurer licensed for the essential coverages shall be a member of the North Carolina Rate Bureau. Essential coverages include, but are not limited to:

- (1) ~~workmen's~~ workers' compensation,
- (2) private passenger automobile (non-fleet) liability insurance,
- (3) private passenger automobile (non-fleet) theft and physical damage insurance,
- (4) farmowner's insurance (residential real property and contents),
- (5) homeowner's insurance,
- (6) dwelling and contents (not more than four housing units) insurance,
- (7) mobile homeowner's insurance.

Statutory Authority G.S. 58-9; 58-124.17.

.0404 FILINGS FOR ESSENTIAL COVERAGES (REPEALED)

.0405 FILINGS FOR NON-ESSENTIAL COVERAGES (REPEALED)

Statutory Authority G.S. 58-9; 58-54; 58-124.11; 58-124.20; 58-124.21; 58-131.37 to 58-131.42; 58-131.45; 58-131.46; 58-131.48; 58-131.52; 58-131.56; 58-148.

SECTION .0500 - DEVIATION IN RATES FOR FIRE AND CASUALTY INSURANCE

.0501 GENERAL INFORMATION (REPEALED)

.0502 DEVIATION EXHIBITS INSTRUCTION FORM (REPEALED)

.0503 FORM D-1 FINANCIAL STATEMENT: COUNTRYWIDE (REPEALED)

.0504 FORM D-2 OPERATING STATEMENT: COUNTRYWIDE (REPEALED)

.0505 FORM D-3 OPERATING STATEMENT: NORTH CAROLINA (REPEALED)

Statutory Authority G.S. 58-9(1); 58-124.23; 58-131.37; 58-131.38; 58-131.39; 58-131.41.

SECTION .0600 - CONSENT TO RATE

.0601 GENERAL INFORMATION

For those lines of insurance subject to the provisions of Articles 12B, ~~and~~ 13C, and 38 of Chapter 58 of the General Statutes of North Carolina, a rate in excess of that promulgated by a rating bureau the North Carolina Rate Bureau, or rating organization or filed by a company on its own behalf may be charged on a specific risk with the knowledge and written consent of the insured, and with proper notice to and, where required by statute, approval of the commissioner.

Statutory Authority G.S. 58-124.23(b); 58-131.39(c).

.0602 CONSENT TO RATE PROCEDURES: ESSENTIAL COVERAGES

(a) An application to effect consent to rate on a specific risk of "essential" coverage, as identified in Regulation .0402 of this Chapter, in excess of the rate promulgated by the North Carolina Rate Bureau, a rating bureau or filed by a company on its own behalf shall include, but not be limited to, the following:

- (1) a description of the insurance proposed, including primary and excess limits, the amount of coverage, the property insured, the deductible and any other factor used for rating, where applicable;
- (2) the standard approved rate; the rate and premium which would be charged without application of consent to rate;
- (3) the proposed rate and premium; (on an annual basis);

- (4) the percent increase. ~~(not required for essential auto insurance);~~ The rate to be charged will be presumed reasonable if it does not exceed 250 percent of the rate which would be charged without application of consent to rate. Any proposed rate in excess of 250 percent must be explained fully and may be disapproved by the commissioner. (This is not required for and does not apply to "essential" automobile physical damage insurance);
- (5) ~~the names and addresses of the insurer, the writing agent, and the insured;~~ a statement that the rate charged does not exceed the rate which would be applicable if the applicant had been charged 450 percent of the rate with no driving record points. Any proposed rate in excess of 450 percent must be explained fully, submitted individually, and may be disapproved by the commissioner. (This is required for "essential" automobile physical damage insurance only);
- (6) ~~the effective dates of the coverage; and the names and addresses of the insurer, the writing agent, and the insured;~~
- (7) a letter signed by the insured acknowledging and consenting to the proposed rate; the effective date of the proposed rate;
- (8) the policy period;
- (9) the policy number;
- (10) the reason for the surcharge may be required; and
- (11) a letter signed by the insured acknowledging and consenting to the proposed rate (not required to be submitted to the commissioner for "essential" automobile physical damage insurance). If coverage for the specific risk written on consent to rate is available through a residual market (FAIR Plan, Beach Plan, North Carolina Reinsurance Facility, North Carolina Workers Compensation Insurance Plan), a statement signed by the insured acknowledging that fact must also be submitted.

All such applications must be forwarded directly to the commissioner for approval.

(b) Such applications involving non-standard automobile physical damage insurance may be recorded on ~~borderaux~~ a form approved by the commissioner and must be forwarded at frequent intervals to the commissioner for approval. except that the rate charged shall not exceed the rate which would be applicable if the applicant had been charged 12 Safe Driver Plan points. A letter signed by each insured acknowledging and consenting to the proposed rate shall be retained

in the insurer's office and be made available to the commissioner upon request.

All other applications involving "essential" coverages are forwarded directly to the commissioner for approval.

(c) All applications for approval of consent to rate consent to rate received more than 90 days after the effective date of the coverage proposed rates will be rejected disapproved and construed as effective at standard approved rates the rates which would be charged without application of consent to rate on the effective date.

Statutory Authority G.S. 58-124.23(b).

**.0603 AUTOMOBILE PHYSICAL DAMAGES:
NON-ESSENTIAL COVERAGES**

(a) The procedure to effect consent to rate for physical damage insurance is the same as described in .0602(a) of this Section except that the rates to be charged will be presumed reasonable if they do not exceed 250 percent of the standard approved rates. An application to effect consent to rate on a specific risk of "non-essential" coverage, as identified in Rule .0403 of this Chapter, in excess of the rate promulgated by a licensed rating organization or filed by a company on its own behalf shall include, but not be limited to, the following:

- (1) a description of the insurance proposed, including primary and excess limits, the amount of coverage, the property insured, the deductible and any other factor used for rating, where applicable;
- (2) the rate and premium which would be charged without application of consent to rate;
- (3) the proposed rate and premium;
- (4) the percent increase. The rate to be charged will be presumed reasonable if it does not exceed 250 percent of the rate which would be charged without application of consent to rate. Any proposed rate in excess of 250 percent must be explained fully and may be returned by the commissioner;
- (5) the names and addresses of the insurer, the writing agent, and the insured;
- (6) the effective date of the proposed rate;
- (7) the policy period;
- (8) the policy number;
- (9) the reason for the surcharge; and,
- (10) a letter signed by the insured acknowledging and consenting to the proposed rate (not required to be submitted to the commissioner for "non-essential" automobile physical damage insurance). If coverage for the specific risk written on

consent to rate is available through a residual market (FAIR Plan, Beach Plan, North Carolina Reinsurance Facility, North Carolina Workers Compensation Insurance Plan), a statement signed by the insured acknowledging that fact must also be submitted.

All such applications must be forwarded directly to the commissioner.

(b) Such agreements may be recorded on bordereaux to be reported to the commissioner at frequent intervals. Such applications involving non-standard automobile physical damage insurance may be recorded on a form approved by the commissioner and must be forwarded to the commissioner at frequent intervals. A letter signed by each insured acknowledging and consenting to the proposed rate shall be retained in the insurer's office and be made available to the commissioner upon request.

(c) All applications for consent to rate received more than 90 days after the effective date of the proposed rates will be rejected and construed as effective at the rates which would be charged without application of consent to rate on the effective date.

Statutory Authority G.S. 58-131.39(c).

**.0604 AUTOMOBILE LIABILITY:
NON-ESSENTIAL COVERAGES
(REPEALED)**

Statutory Authority G.S. 58-131.39(c).

**SECTION .0700 - INSURANCE IN UNLICENSED
FOREIGN AND ALIEN COMPANIES**

.0701 GENERAL INFORMATION

Citizens who are unable to procure insurance on risks in this state in companies licensed to write insurance in this state may procure policies of insurance in unlicensed foreign and alien companies if the procedures set forth hereafter are strictly adhered to. All the forms described hereafter relating to such insurance, which is known as non-admitted or surplus lines of insurance, are to be sent to the Commissioner of Insurance, Attention: ~~Deputy Commissioner~~, Surplus Lines Coordinator, Fire and Casualty Division, P.O. Box 26387, Raleigh, North Carolina 27611.

Statutory Authority G.S. 58-420 through 58-441.

**.0703 APPROVAL OF INSURANCE IN
NON-ADMITTED INSURANCE
COMPANIES**

Approval of insurance written by a ~~nonadmitted~~ non-admitted insurance company will be granted only if the ~~nonadmitted~~ non-admitted company:

- (1) has established satisfactory evidence of good repute and financial integrity;
- (2) meets the minimum capital and surplus requirements in the Insurance Law; ~~and~~
- (3) furnishes to the commissioner its most current financial statement; and
- (4) appears on the department's monthly list of non-admitted companies eligible for the placement of surplus lines business.

Statutory Authority G.S. 58-424.

.0704 FORM SL: REPRESENT A SURPLUS LINES INSURER

Form SL, "Application for License to Represent a Surplus Lines Insurer", is submitted to the department by a prospective agent for a license to procure insurance from ~~nonadmitted~~ non-admitted companies. Information to be entered on the application shall include, but not be limited to, the agent's name and address, a statement certifying his North Carolina citizenship, and his credentials for the required bond.

Statutory Authority G.S. 58-433.

.0705 FORM SL-I: LICENSE RENEWAL APPLICATION FOR LICENSE TO REPRESENT A SURPLUS LINES COMPANY

A "Renewal Application to Represent a Surplus Lines Company" (SL-I) is provided to agents pursuant to G.S. 58-433 stating the requirements for renewing the license. The notarized form shall include, but is not limited to, name, address, a review of the requirements for procuring insurance from surplus lines insurers, and the signature of the applicant.

Statutory Authority G.S. 58-428; 58-433.

SECTION .0800 - LICENSING OF RATING ORGANIZATIONS

.0801 GENERAL INFORMATION

~~Fire and casualty insurance rating bureaus are licensed as mono-line (either fire and marine or casualty and fidelity and surety) or multi-line (fire and casualty) rating bureaus.~~ Every rating organization, as a prerequisite to conducting its operations in this State, shall obtain either a monoline or multi-line license and make a filing to the commissioner. Applications for new or ~~renewed~~ renewal licenses should be submitted to the Commissioner of Insurance, Attention: De-

puty Commissioner, Fire and Casualty Division, P.O. Box 26387, Raleigh, North Carolina 27611.

Statutory Authority G.S. 58-9; 58-131.34(2); 58-131.35(5); 58-131.43.

.0802 PROCEDURE FOR APPLICATION OF NEW LICENSE

~~Fire and casualty rating bureaus~~ Rating organizations not previously licensed shall submit the fee set forth in G.S. 105-228.4 and an application, including, but not limited to:

- (1) the name and address of the ~~bureau~~ organization;
- (2) a copy of:
 - (a) its constitution, charter, or articles of incorporation, association, or agreement;
 - (b) its bylaws, plan of operation, or other rules governing its business duly certified by the custodian of the original thereof;
 - (c) any other rules or regulations governing the conduct of its business;
- (3) ~~a list of the insurers who are licensed to do business in this state and who are, or have agreed to become, members or subscribers;~~ a list of the insurers who are members, subscribers or service purchasers;
- (4) a list of the states where the ~~bureau~~ organization is licensed;
- (5) a list of the lines of insurance involved;
- (6) the names and addresses of all officers and managers;
- (7) the name and address of one or more residents of this state appointed to receive notices, process, or orders;
- (8) a statement demonstrating its technical qualifications;
- (9) a check in payment of the ~~bureau~~ organization license fee;
- (10) such other information as the commissioner may require.

Statutory Authority G.S. 58-9; 58-131.34(2); 58-131.35(5); 105-228.3; 105-228.4; 105-225.9.

.0803 RENEWAL LICENSE FEE FOR RATING ORGANIZATIONS

~~The renewal license fee set forth in G.S. 105-228.4 shall be paid annually to the commissioner before March 1 of each year for approval by the commissioner and shall include, but not be limited to: The renewal license fee set forth in G.S. 105-228.4 shall be paid annually to the commissioner before March 1 of each year. The renewal license application shall include, but not be limited to:~~

- (1) the name and address of the ~~bureau~~ organization;

- (2) the lines of insurance rates in which the ~~bureau~~ organization engages;
- (3) a description of pertinent changes in its services or activities since the previous renewal license fee was ~~paid~~ granted.

Statutory Authority G.S. 58-9; 58-131.34(2); 58-131.43; 105-228.

.0804 FORM: LICENSE CERTIFICATE

The license certificate form is issued over the signature of the commissioner certifying the ~~bureau~~ organization has been licensed and setting forth the lines of insurance.

Statutory Authority G.S. 58-9; 58-9.1; 58-131.43.

.0805 PPNF AUTO INSURANCE STATISTICAL AGENTS - REPORTS (REPEALED)

Statutory Authority G.S. 58-9; 58-25.1; 58-124.18(d); 58-131.50.

.0806 CHANGES IN FILED INFORMATION

Any change in or amendment to any document described in Rules .0802 or .0803 of this Section shall be promptly filed with the commissioner.

Statutory Authority G.S. 58-9; 58-131.44; 58-131.45.

SECTION .0900 - LICENSING OF ADVISORY ORGANIZATIONS

.0901 GENERAL INFORMATION

Every insurance advisory organization, as a prerequisite to conducting its operations in this State, shall make a filing to the commissioner, shall obtain either a monoline or multi-line license and make a filing to the commissioner. Applications for new or renewal licenses should be submitted to the Commissioner of Insurance, Attention: Deputy Commissioner, Fire and Casualty Division, P.O. Box 26387, Raleigh, North Carolina 27611.

Statutory Authority G.S. 58-9; 58-131.44.

.0902 PROCEDURE FOR APPLICATION OF NEW LICENSE

The filing by such advisory organization shall include, but not be limited to: Insurance advisory organizations not previously licensed shall submit the fee set forth in G.S. 105-228.4 and an application including, but not limited to:

- (1) a copy of its constitution or articles of incorporation, agreement or association; the name and address of the organization;

- (2) a copy of: its bylaws or rules and regulations governing its activities, duly certified by the custodian of the originals thereof;
 - (a) its constitution, charter, or articles of incorporation, association, or agreement;
 - (b) its bylaws, plan of operation, or other rules governing its business duly certified by the custodian of the original thereof;
 - (c) any other rules or regulations governing the conduct of its business;
- (3) a list of its members and subscribers; a list of the insurers who are members or subscribers;
- (4) the name and address of a resident of this state upon whom notices, process affecting it, or orders of the commissioner may be served; a list of the states where the organization is licensed;
- (5) such other information as the commissioner may require; a list of the lines of insurance involved;
- (6) the names and addresses of all officers and managers;
- (7) the name and address of one or more residents of this state appointed to receive notices, process, or orders;
- (8) a statement demonstrating its technical qualifications;
- (9) a check in payment of the organization license fee;
- (10) such other information as the commissioner may require.

Statutory Authority G.S. 58-9; 58-131.44.

.0903 CHANGES IN FILED INFORMATION

Any change in or amendment to any document described in .0902 of this Section shall be promptly filed with the commissioner. Any change in or amendment to any document described in Rules .0902 or .0907 of this Section shall be promptly filed with the commissioner.

Statutory Authority G.S. 58-9; 58-131.44.

.0905 INSURER'S REPORT ON INSURANCE ADVISORY ORGANIZATIONS (REPEALED)

Statutory Authority G.S. 58-9; 58-131.41; 58-131.44.

.0906 FORM: LICENSE CERTIFICATE

The license certificate form is issued over the signature of the commissioner certifying the organization has been licensed.

Statutory Authority G.S. 58-9; 58-131.44.

.0907 RENEWAL LICENSE FEE FOR LICENSED ORGANIZATIONS

The renewal license fee set forth in G.S. 105-228.4 shall be paid annually to the commissioner before March 1 of each year. The renewal license application shall include, but not be limited to:

- (1) the name and address of the organization,
- (2) the lines of insurance in which the organization engages,
- (3) a description of pertinent changes in its services or activities since the previous renewal license was granted.

Statutory Authority G.S. 58-9; 58-131.44.

SECTION .1000 - LICENSING OF JOINT UNDERWRITING ORGANIZATIONS

.1001 GENERAL INFORMATION

Every joint underwriting organization or joint reinsurance organization, as a prerequisite to conducting its operations in this State, ~~shall make a filing to the commissioner.~~ shall obtain either a monoline or multi-line license and make a filing to the commissioner. Applications for new or renewal licenses should be submitted to the Commissioner of Insurance, Attention: Deputy Commissioner, Fire and Casualty Division, P.O. Box 26387, Raleigh, North Carolina 27611.

Statutory Authority G.S. 58-9; 58-131.45.

.1002 JOINT UNDERWRITING ORGANIZATIONS FILING

~~The filing by such joint underwriting organization shall include, but not be limited to: Joint underwriting organizations and joint reinsurance organizations not previously licensed shall submit the fee set forth in G.S. 105-228.4 and an application, including, but not limited to:~~

- (1) ~~a copy of its constitution or articles of incorporation, agreement, or association; the name and address of the organization;~~
- (2) ~~a copy of: its bylaws or rules and regulations governing its activities, duly certified by the custodian of the originals thereof;~~
 - (a) its constitution, charter, or articles of incorporation, association, or agreement;
 - (b) its bylaws, plan of operation, or other rules governing its business duly certified by the custodian of the original thereof;
 - (c) any other rules or regulations governing the conduct of its business;
- (3) ~~a list of its members and subscribers; a list of the insurers who are members or subscribers;~~

(4) ~~the name and address of a resident of this state upon whom notices, process affecting it, or orders of the commissioner may be served; a list of the states where the organization is licensed;~~

(5) ~~such other information as the commissioner may require.~~ a list of the lines of insurance involved;

(6) the names and addresses of all officers and managers;

(7) the name and address of one or more residents of this state appointed to receive notices, process, or orders;

(8) a statement demonstrating its technical qualifications;

(9) a check in payment of the organization license fee;

(10) such other information as the commissioner may require.

Statutory Authority G.S. 58-9; 58-131.45.

.1003 CHANGES IN FILED INFORMATION

~~Any change in or amendment to any document described in .1002 of this Section shall be promptly filed with the commissioner. Any change in or amendment to any document described in Rules .1002 or .1007 of this Section shall be promptly filed with the commissioner.~~

Statutory Authority G.S. 58-9; 58-131.45.

.1005 INSURER'S REPORT ON UNDERWRITING ORGANIZATIONS (REPEALED)

Statutory Authority G.S. 58-9; 58-131.45.

.1006 FORM: LICENSE CERTIFICATE

The license certificate form is issued over the signature of the commissioner certifying the organization has been licensed.

Statutory Authority G.S. 58-9; 58-131.45.

.1007 RENEWAL LICENSE FEE FOR LICENSED ORGANIZATIONS

The renewal license fee set forth in G.S. 105-228.4 shall be paid annually to the commissioner before March 1 of each year. The renewal license application shall include, but not be limited to:

- (1) the name and address of the organization,
- (2) the lines of insurance in which the organization engages,
- (3) a description of pertinent changes in its services or activities since the previous renewal license was granted.

Statutory Authority G.S. 58-9; 58-131.45.

SECTION .1200 - FORMS FILINGS

.1201 GENERAL INFORMATION

Except inland marine insurance that is not generally written according to manual rates and rating plans, and with the exception of fidelity, surety and guaranty bonds which are written in accordance with a statute or at the direction of the insured, all forms intended for use in this state shall be filed with the commissioner for approval prior to their use.

Form(s) filings must be submitted separately and under independent cover from Rates and Rules filings. The requirements of this Rule are applicable to form(s) filings only. Rates and Rules filings are addressed in Rule .0101.

Statutory Authority G.S. 58-9; 58-54; 58-124.29; 58-131.34; 58-176; 58-248.27; 58-480.

.1202 REFERENCE FILINGS

With the exception of Flood Insurance written in accordance with Federal Emergency Management Agency (FEMA) requirements, form(s) filing by reference are not permitted. Individual companies adopting a form(s) promulgated by a licensed bureau or licensed rating organization of which said company is a member or subscriber is NOT deemed to be a reference filing.

Statutory Authority G.S. 58-9; 58-54; 58-124.29; 58-131.34; 58-176; 58-248.27; 58-480.

.1203 LETTER OF TRANSMITTAL

Filings for forms or rules which address forms, shall be accompanied by a letter of transmittal, in duplicate, which shall state at least the following:

- (1) the name of the licensed bureau, licensed rating organization or licensed company making the filing;
- (2) the subject of the filing by name, identification number or both;
- (3) the purpose of the filing;
- (4) the proposed effective date and rule of implementation;
- (5) the company's bureau affiliation for the line of insurance filed (if none, so state);
- (6) whether the filing has been filed and approved in the company's domiciliary state;
- (7) summary of the changes proposed by the filing;
- (8) statement that the filing meets statutory requirements.

Statutory Authority G.S. 58-9; 58-54; 58-124.17; 58-124.25; 58-131.34; 58-131.60; 58-148; 58-157; 58-180.2; 58-248.2; 58-248.40.

.1204 PROHIBITED POLICY PROVISIONS

Policy forms will be disapproved if they contain any of the following kind of policy provisions:

- (1) a provisions that the application is a consideration of coverage; unless the application is physically attached to the policy;
- (2) a provision that the rules or bylaws of the company are a part of the contract; unless such rules or bylaws are actually written into or physically attached to the policy;
- (3) a provision that a portion of the premium becomes due and payable only after the occurrence of a loss, for example, a premium retention policy;
- (4) a provision in a liability policy that relieves the company of liability on account of insolvency of the insured;
- (5) a provision that knowledge of the agent is not binding on the company;
- (6) a provision purporting to limit to less than three years any suit on the contract by the policyholder.

Statutory Authority G.S. 58-9; 58-30; 58-30.1; 58-72.

.1205 ESSENTIAL LINES--N.C. RATE BUREAU (BUREAU)

(a) All policy forms used by members of the North Carolina Rate Bureau shall be filed by the bureau and approved by the commissioner prior to their use.

(b) When the bureau is filing a modification to an existing form, it will provide a "side-by-side" comparison of the old and proposed form(s) and explain all broadenings and restrictions of coverage.

(c) The bureau will provide the following information either in the letter of transmittal or as a filing memorandum:

- (1) the subject of the filing by name, identification number or both;
- (2) the purpose of the filing;
- (3) the proposed effective date and rule of implementation;
- (4) summary of the changes proposed by the filing;
- (5) statement that the filing meets statutory requirements.

(d) Any dividend or participating endorsement to be used with a workers' compensation policy should be filed directly with this department in accordance with North Carolina General Statute 58-54.

Statutory Authority G.S. 58-9; 58-54; 58-124.29; 58-124.30.

.1206 NON-ESSENTIAL LINES

All licensed insurance companies, licensed rating bureaus, licensed rating organizations and any other licensed entity filing forms for non-essential lines (as defined in 58-131.36 or 58-472) shall:

- (1) use the Letter of Transmittal as prescribed in Chapter 10, Rule .1203;
- (2) complete the Questionnaire as prescribed in Chapter 10, Rule .1207;
- (3) be in compliance with the other provisions of this Rule;
- (4) when the filer is filing a modification to an existing form, it will provide a "side-by-side" comparison of the old and proposed form(s) and explain all broadenings and restrictions of coverage;
- (5) such other information as the commissioner may require.

Statutory Authority G.S. 58-9; 58-54; 58-472.

.1207 FORM(S) QUESTIONNAIRE

A statement or questionnaire on a form prescribed by the commissioner containing the following information will be provided:

- (1) name of the filer;
- (2) Federal Employer's 11-Digit Number;
- (3) filer's file number;
- (4) program title;
- (5) line(s) of insurance;
- (6) how many new forms and/or revised forms are being filed new _____ revised _____;
- (7) explain the purpose(s) of this filing;
- (8) list the states where this filing has been made;
- (9) action taken by domiciliary state if form has been filed in that state;
- (10) list the states that have approved this filing;
- (11) list the states that disapproved this filing and reason(s) for disapproval;
- (12) copies of all required modifications referred to in Paragraph (11) of this Rule;
- (13) if the filing is similar or identical to a filing made with the N.C. Department of Insurance by a licensed bureau or licensed rating organization, complete the following:
 - (a) name of affiliated bureau or rating organization;
 - (b) name of bureau or rating organization program;
 - (c) identification number of bureau of rating organization program;

- (d) are you a member, subscriber or service purchaser.

- (14) if the filing is similar or identical to a filing made with the N.C. Department of Insurance by a licensed insurance company in North Carolina, give the N.C. Insurance Department file number and approval date. Also, describe the difference(s) if any, between your form(s) and those of the previously approved program;
- (15) computer printed declarations pages should be completed in "John Doe" fashion;
- (16) proposed effective date and rule of implementation;
- (17) a certification of the accuracy of the filing by an officer of the company or head of the filings department.

Statutory Authority G.S. 58-9; 58-25.1; 58-54; 58-480.

SECTION .1300 - NORTH CAROLINA JOINT UNDERWRITING ASSOCIATION

.1301 RATES: RATING PLANS: RATING RULES AND FORMS APPLICABLE

Unless otherwise approved by the commissioner, the rates, rating plans, rating rules and forms applicable shall be in accordance with the most recent manual rates, rating plans, rating rules and forms promulgated by either the North Carolina Rate Bureau or the Insurance Services Office, Inc. and approved for usage in North Carolina.

Statutory Authority G.S. 58-9; 58-173.17; 58-173.20; 58-173.21; 58-173.31.

.1302 CHANGES TO RATES: RATING PLANS: RATING RULES AND FORMS APPLICABLE

Unless otherwise approved by the commissioner, any changes to the manual rates, rating plans, rating rules and forms promulgated by either the North Carolina Rate Bureau or the Insurance Services Office, Inc. and approved for usage in North Carolina shall be implemented no later than 30 days after the earliest permitted date.

Statutory Authority G.S. 58-9; 58-173.17; 58-173.20; 58-173.21; 58-173.31.

SECTION .1400 - NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION

.1401 RATES: RATING PLANS: RATING RULES AND FORMS APPLICABLE

Unless otherwise approved by the commissioner, the rates, rating plans, rating rules and forms applicable shall be in accordance with the most recent manual rates, rating plans, rating rules and forms promulgated by either the North Carolina Rate Bureau or the Insurance Services Office, Inc. and approved for usage in North Carolina.

Statutory Authority G.S. 58-9; 58-173.2; 58-173.7; 58-173.8; 58-173.10; 58-173.16.

.1402 CHANGES TO RATES: RATING PLANS: RATING RULES AND FORMS APPLICABLE

Unless otherwise approved by the commissioner, any change to the manual rates, rating plans, rating rules and forms promulgated by either the North Carolina Rate Bureau or the Insurance Services Office, Inc. and approved for usage in North Carolina shall be implemented no later than 30 days after the earliest permitted date.

Statutory Authority G.S. 58-9; 58-173.2; 58-173.7; 58-173.8; 58-173.10; 58-173.16.

* * * * *

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Insurance intends to adopt the rule cited as 11 NCAC 11E .0110.

The proposed effective date of this action is January 1, 1989.

The public hearing will be conducted at 10:00 a.m. on September 20, 1988 at Hearing Room, Third Floor, Dobbs Building, 430 N. Salisbury Street, Raleigh, N.C. 27611.

Comment Procedures: Written comments should be directed to Ray Martinez at P.O. Box 26387, Raleigh, N.C. 27611. He may be reached by telephone at (919) 733-2002. Oral comments may be made at the hearing.

CHAPTER 11 - COMPANY OPERATIONS DIVISION

SUBCHAPTER 11E - TAX: AUDIT AND STATISTICAL OPERATIONAL UNIT

SECTION .0100 - GENERAL PROVISIONS

.0110 REDUCED INSTALLMENT PAYMENTS

(a) The installment payment requirements for quarterly gross premium tax and quarterly addi-

tional gross premium tax, as reported on forms described under 11 NCAC 11A.0436 and 11 NCAC 11A.0438, may be reduced by the commissioner when an insurer submits a written statement to the department indicating that the insurer reasonably believes that the total estimated payments made for the current year will exceed the anticipated tax liability for the year.

(b) This written statement shall contain the basis for the insurer's belief that its installment payments should be reduced and shall address the factors supporting that belief. The statement must include, but not necessarily be limited to, factors such as changes in premium tax laws, reduction in the insurer's writings, and changes in the insurer's marketing thrust, sales mix, distribution channels and underwriting, with a corresponding monetary impact as detailed in the appropriate components of the insurer's business plan.

(c) To receive consideration, the insurer's written statement must be received by the department at least 45 days prior to an installment filing date.

(d) The department shall provide written notice to the insurer, no later than 15 days prior to the installment filing date, only if the insurer's request for reduced installment payments is denied.

Statutory Authority G.S. 105-228.5.

TITLE 15 - DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Notice is hereby given in accordance with G.S. 150B-12 that the Wildlife Resources Commission intends to amend the rule cited as 15 NCAC 10B .0115(c).

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 7:30 p.m. on September 21, 1988 at Hearing Room No. 3, Old County Courthouse, (2nd floor), Gillespie Street, Fayetteville, N.C.

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from September 1, to September 29, 1988. Such written comments must be delivered or mailed to the Wildlife Commission, 512 N. Salisbury St., Raleigh, NC 27611.

CHAPTER 10 - WILDLIFE RESOURCES AND
WATER SAFETY

SUBCHAPTER 10B - HUNTING AND
TRAPPING

SECTION .0100 - GENERAL REGULATIONS

.0115 SHINING LIGHTS IN DEER AREAS

(c) No person shall, between the hours of one-half hour after sunset and one-half hour before sunrise, intentionally shine a light upon a deer or intentionally sweep a light in search of deer in the indicated portions of the following counties:

- (1) Alamance -- entire county;
- (2) Alexander -- entire county;
- (3) Alleghany -- entire county;
- (4) Anson -- entire county;
- (5) Ashe -- entire county;
- (6) Avery -- that portion south and east of Highway 221;
- (7) Burke -- entire county;
- (8) Caldwell -- entire county;
- (9) Caswell -- entire county;
- (10) Catawba -- entire county;
- (11) Chatham -- entire county;
- (12) Clay -- entire county;
- (13) Cleveland -- entire county;
- (14) Cumberland -- entire county;
- (15)(14) Davidson -- entire county;
- (16)(15) Davie -- entire county;
- (17)(16) Gaston -- entire county;
- (18)(17) Guilford -- entire county;
- (19)(18) Halifax -- entire county;
- (20)(19) Henderson -- entire county;
- (21)(20) Hyde -- that part bounded on the north by a line running parallel with and 1000 yards in a northward direction from that part of SR 1304 that leads from Hodges' Fork to Rose Bay, on the east by the Mattamuskeet National Wildlife Refuge boundary, on the southeast by US 264, and on the west and southwest by a line running parallel with and 1000 yards in a west or southwest direction from the centerline of SR 1304;
- (22)(21) Iredell -- entire county;
- (23) Johnston -- entire county;
- (24)(22) Lee -- entire county;
- (25)(23) Lincoln -- entire county;
- (26)(24) McDowell -- entire county;
- (27)(25) Mecklenburg -- entire county;
- (28)(26) Mitchell -- entire county;
- (29)(27) Northampton -- entire county;
- (30)(28) Person -- entire county;
- (31)(29) Polk -- entire county;
- (32)(30) Randolph -- entire county;
- (33)(31) Rockingham -- entire county;

- (34)(32) Rowan -- entire county;
- (35)(33) Rutherford -- entire county;
- (36)(34) Scotland -- that part lying west of US 401 north of Laurinburg and north of US 74 west of Laurinburg;
- (37)(35) Stanly -- entire county;
- (38)(36) Stokes -- entire county;
- (39)(37) Surry -- entire county;
- (40)(38) Transylvania -- entire county;
- (41)(39) Union -- entire county;
- (42)(40) Watauga -- entire county;
- (43)(41) Wilkes -- entire county;
- (44)(42) Yadkin -- entire county;
- (45)(43) Yancey -- entire county.

Statutory Authority G.S. 113-134; 113-291.1; S.L. 1981, Ch. 410; S.L. 1981 (Second Session 1982), Ch. 1180.

* * * * *

Notice is hereby given in accordance with G.S. 150B-12 that the Wildlife Resources Commission intends to amend rules cited as 15 NCAC 10 F .0305(a), .0313, .0340 and .0352(a).

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 10:00 a.m. on September 14, 1988 at Room 386, Archdale Bldg., 512 N. Salisbury Street, Raleigh, N.C.

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from September 1, 1988 to September 29, 1988. Such written comments must be delivered or mailed to the Wildlife Commission, 512 N. Salisbury St., Raleigh, NC 27611.

SUBCHAPTER 10F - MOTORBOATS AND
WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY
REGULATIONS

.0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule applies to the waters and portions of waters described as follows:

- (4) Intracoastal Waterway:
 - (A) Southport.
 - (i) That portion of the Intracoastal waterway, which intersects the entrance to the "Old Yacht Basin" at the city of

Southport, for a distance of 350 feet to be marked at each end by appropriate markers.

- (ii) That portion of the ICW which intersects the entrance to the Southport Marina at the city of Southport for a distance of approximately 300 yards to be marked at each end by appropriate markers.

Statutory Authority G.S. 75A-3; 75A-15.

.0313 HYDE COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Hyde County:

- (1) Swan Quarter Canal near the Town of Swan Quarter;
- (2) Carawan Canal;
- (3) The waters within 50 yards of all public boat launching areas providing access to Pamlico Sound;
- (4) Far Creek near the Town of Engelhard.

Statutory Authority G.S. 75A-3; 75A-15.

.0340 CURRITUCK COUNTY

(a) Regulated Areas. This Rule applies to the waters and portion of waters described as follows:

- (1) Bell's Island. The waters contained in all the canals on Bell's Island.
- (2) Intracoastal Waterway. The portion of the Intracoastal Waterway within the "slow speed" zone established by the United States Army Corps of Engineers on both sides of the U.S. Highway 158 bridge at Coinjock.
- (3) Walnut Island Subdivision. The waters in all the canals in the Walnut Island subdivision in the Village of Grandy.
- (4) Neal's Creek Landing. Those waters of Currituck Sound within 50 yards of Neal's Creek Landing as delineated by appropriate markers.

Statutory Authority G.S. 75A-3; 75A-15.

.0352 CAMDEN COUNTY

(a) Regulated ~~Area~~. Areas.

- (1) This Rule applies to Edgewater Canal running parallel with and along the south shore of Camden Point in Camden County and the connecting channels to Albemarle Sound.
- (2) That portion of the ICW also known as the South Mills Shores Canal parallel to Bingham Road for a distance of approximately 1,000 feet to be marked at each end by appropriate markers.

- (3) The canals known as Canals No. 1, 2, 3 and 4 in Whitehall Shores.

Statutory Authority G.S. 75A-3; 75A-15.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. State Board of Certified Public Accountant Examiners intends to amend rules cited as 21 NCAC 8F .0401, 8J .0006 and 8K .0201.

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 9:00 a.m. on September 14, 1988 at N.C. State Board of CPA Examiners, 1101 Oberlin Road, Suite 104, Raleigh, NC 27605.

Comment Procedures: Any person interested in these rules may present oral comments relevant to the action proposed at the public rule-making hearing or deliver written comments to the board office not later than 9:00 a.m. on Monday, September 19, 1988. Anyone planning to attend the hearing should notify the Executive Director at the Board offices by noon on Friday, September 9, 1988.

CHAPTER 8 - BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

SUBCHAPTER 8F - REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANT EXAMINATION AND CERTIFICATE APPLICANTS

SECTION .0400 - EXPERIENCE

.0401 GENERAL EXPERIENCE REQUIREMENTS

(e) An applicant who obtains experience in a properly registered firm of certified public accountants will be considered as having met the direct supervision requirement, provided the experience affidavit is signed by the designated office supervisor or other licensee who holds an ownership interest in the firm. An applicant who obtains experience outside a firm of certified public accountants must provide documentation indicating in detail how the direct supervision requirement has been met.

Statutory Authority G.S. 93-12(3); 93-12(5).

SUBCHAPTER 8J - RENEWALS AND REGISTRATIONS

.0006 SURRENDERED CERTIFICATES

(c) A person who desires to reinstate his surrendered certificate shall make application and provide the following to the board:

- (1) payment of the current certificate fee; and
- (2) certificates of moral character and endorsements as to eligibility signed by three certified public accountants holding certificates granted by any state or territory of the United States or the District of Columbia; and
- (3) evidence of satisfactory completion of 40 hours of acceptable CPE courses during the twelve month period immediately preceding the licensee's application for reinstatement; the CPE requirement described in 21 NCAC 8G .0407.

(d) The certificate may be reinstated in the discretion of the board.

Statutory Authority G.S. 93-12(5); 93-12(8a); 93-12(8b).

SUBCHAPTER 8K - PROFESSIONAL CORPORATIONS

SECTION .0200 - PRACTICE PROCEDURES OF PROFESSIONAL CORPORATIONS

.0201 CORPORATE NAMES

The corporate name of a professional corporation registered under these rules ~~shall include only the names of one or more of the present or former shareholders or of partners associated with a predecessor accounting firm~~ and shall contain the wording "corporation," "incorporated," "limited," "company," "professional corporation," or "professional association," or an abbreviation of either of the foregoing, "Corp.," "Inc.," "Ltd.," "Co.," "P.C.," or "P.A.". The use of "CPA" or "Certified Public Accountant(s)" in the corporate name is encouraged, but not required. The name shall also meet the requirements in 21 NCAC 8G .0305 and .0306.

Statutory Authority G.S. 55B-5; 55B-12; 93-12(3).

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. State Board of Cosmetic Art Examiners intends to adopt, amend, repeal regulations cited as 21 NCAC 14D .0303; 14G

.0011, .0014; 14H .0012; 14I .0107, .0109, .0302; 14J .0103, .0106, .0204 - .0206, .0305; 14L .0101, .0105, .0301.

The proposed effective date of this action is December 1, 1988.

The public hearing will be conducted at 10:00 a.m. on September 14, 1988 at N.C. State Board of Cosmetic Art Examiners, 4101 North Blvd., Suite H, New Hope Center, Raleigh, North Carolina 27604.

Comment Procedures: Any person may request information or copies of the proposed rules by writing or calling Vicky R. Goudie, Executive Secretary, N.C. State Board of Cosmetic Art Examiners, 4101 North Blvd., Suite H, Raleigh, North Carolina 27604, (919) 790-8460. Written comments on these rules may be sent to Mrs. Goudie by September 14th at the above address. Written and oral (for no more than ten minutes) comments on these subjects may be presented at the hearing. Notice should be given to Mrs. Goudie at least three days prior to the hearing if you desire to speak.

CHAPTER 14 - BOARD OF COSMETIC ART EXAMINERS

SUBCHAPTER 14D - CONDUCT OF THE CONTESTED CASE

SECTION .0300 - SUBPOENAS

.0303 SERVICE OF SUBPOENAS

(a) Subpoenas may be served in any manner provided by law.

- (1) ~~by an employee of the board; or~~
- (2) ~~by the sheriff of the county in which the person subpoenaed resides, when the party requesting the subpoena prepays the sheriff's service fee.~~

(b) Subpoenas shall be issued in duplicate with a "Return of Service" form attached to each copy. The person serving the subpoena shall fill out the "Return of Service" form for each copy and promptly return one copy of the subpoena with the attached "Return of Service" form completed to the board.

Statutory Authority G.S. 88-23; 150B-27.

SUBCHAPTER 14G - REQUIREMENTS FOR THE ESTABLISHMENT OF SCHOOLS OF COSMETIC ART

.0011 CHANGE OF LOCATION OR OWNERSHIP

If the location of the school is changed, a new letter of approval will be necessary, or if there is a transfer of ownership or management of the school, either by sale, lease or otherwise, a new approval application is required. ~~The same shall be reported within 10 days of such change to the board, and application made for letter of approval. The school must meet the same conditions and requirements as a new beauty school in order to obtain a letter of approval. The letter of approval may be retroactive to the date of change or fraction therefore, if the school was in operation under a valid letter of approval at the time of this change and if the application for a new letter of approval is timely made.~~

Statutory Authority G.S. 88-23.

.0014 SCHOOL AFFILIATION WITH BEAUTY SHOPS AND OTHER BUSINESSES

Beauty shops or any other business shall not be operated ~~in connection with beauty schools or colleges. Refer to 21 NCAC 11G .0015.~~ within the defined area of an approved beauty school or college. Beauty shops or any business operating adjacent to an approved beauty school or college shall be separated by a solid wall, floor to ceiling, with a separate entrance.

Statutory Authority G.S. 88-23.

SUBCHAPTER 14II - SANITATION

.0012 CLEANLINESS OF CLINIC AREA AND SUPPLIES AND EQUIPMENT

- (a) The clinic area shall be kept clean.
- (b) Waste material shall be kept in suitable covered receptacles. The area surrounding the waste receptacles shall be maintained in a neat and sanitary manner.
- (c) Sanitation rules which apply to towels and cloths are as follow:
 - (1) Separate and clean towels shall be used for each patron.
 - (2) After a towel has been used once, it shall be discarded and placed in a clean, closed container until properly laundered.
 - (3) Clean towels shall be kept in a closed cabinet, free from dust or dirt, until ready for use.
 - (4) Chair cloths and shampoo aprons shall be kept clean and shall not be allowed to come in direct contact with the patron's neck.
 - (d) The head rest of an operating chair shall be covered with a clean towel or other sanitary covering before being used.
 - (e) At least six combs and brushes must be provided for each operator. All combs and

brushes shall be thoroughly cleansed after each use in the following manner:

- (1) They shall be cleaned with soap and hot water;
- (2) They must be sanitized by being covered for 20 minutes in a five percent phenol, 70 percent alcohol, and ten percent Lysol solution; Chlorine solution.
- (3) They may be sanitized by being covered for 30 minutes in other sanitizing solutions approved by the North Carolina State Board of Cosmetic Art Examiners;
- (4) They must be removed from the solution and dried thoroughly with a clean towel and shall be in a closed container until used.

Statutory Authority G.S. 88-23.

SUBCHAPTER 14I - OPERATIONS OF SCHOOLS OF COSMETIC ART

SECTION .0100 - RECORD KEEPING

.0107 ENROLLMENT WITH STATE BOARD OFFICE

(a) Matriculations shall be filed in the office of the North Carolina State Board of Cosmetic Art Examiners not later than 30 days after the student enrolls in school. If enrollment is not received within 30 days, a copy of daily time records are required.

(b) Students who have not been properly enrolled with the state board office will not be accepted for the examination given by the board, and no hours will be credited by the board.

(c) North Carolina State Board of Cosmetic Art Examiners statement of purpose for Cosmetology Education shall be given to each student at time of enrollment. Receipt of this must be signed by student and returned along with the enrollment to the State Board Office, 4101 North Blvd., Suite H, Raleigh, North Carolina 27604.

Statutory Authority G.S. 88-23.

.0109 GRADUATION

(a) The manager of each school shall compile, from the school records, a summary of each student's grades, hours, live model performance completions, date of enrollment and last date of attendance which shall be presented to the student upon graduation or the last date of attendance.

(b) This summary shall be signed by the manager, instructor, and student; and shall have the seal of the beauty school affixed.

(c) Upon graduation, this summary is to be mailed to the North Carolina State Board of

Cosmetology Examiners address on a form furnished by the board.

Statutory Authority G.S. 88-23.

SECTION .0300 - CLASSROOMS

.0302 LIBRARY

(a) A small library of reference books shall be made available for the students use, covering all the major ethnic cultures.

(b) In addition to the textbooks used, the library shall contain a standard dictionary, a medical dictionary and any other books relative to all fields of Cosmetology.

Statutory Authority G.S. 88-23.

SUBCHAPTER 14J - CURRICULUM

SECTION .0100 - BEGINNERS' DEPARTMENT

.0103 TIME REQUIREMENTS ACCORDING TO HOURS

(a) The maximum time a student is allowed to stay in the beauty school in any one day shall be eight clock hours, and no more than 40 hours per week.

(b) At no time shall a student be credited with more than eight hours in any one day and hours earned on one date cannot be credited to another day.

(c) Each student must complete 1200 hours in an approved beauty school or college before applying to the board for examination, except those students enrolled for the manicurist course only.

(d) Each student shall spend 300 hours in the beginners' department before entering the advanced department and shall not work on members of the public during this 300 hours.

(e) Hours earned in the beginners' department shall be devoted to scientific study, sanitization and mannequin practice as outlined in 21 NCAC 14J .0104 and .0105.

(f) Manicuring practice in this department shall be done on the students enrolled in the school during the first 300 hours.

Statutory Authority G.S. 88-23.

.0106 EQUIPMENT FOR BEGINNERS

The beginners' department shall be equipped with the following minimum equipment for every 20 students in the department:

- (1) one manicure table and stool,
- (2) two shampoo bowls and chairs,
- (3) two hearing heating caps,
- (4) one mannequin with hair per student,

- (5) three marcel heaters, three electrical marcel curling irons,
- (6) one slide projector and slides,
- (7) one mannequin practice table to accommodate at least ten students,
- (8) sufficient cold wave rods for each student in the department. and
- ~~(9) two steamer caps pressing comb per student.~~

Statutory Authority G.S. 88-23.

SECTION .0200 - ADVANCED DEPARTMENT

.0204 COURSE WORK REQUIREMENT

The course work done by advanced students shall be as follows:

- (1) lectures on scientific study--10 hours;
- (2) chemistry, as necessary to the practice of cosmetic art-- 10 hours;
- (3) anatomy--10 hours;
- (4) bacteriology--10 hours;
- (5) skin, scalp, hair, nails and their common disorders--20 hours;
- (6) grooming and personal hygiene--5 hours;
- (7) pin curling, finger waving, rollers and combing--25 hours;
- (8) electrical marcel curling iron and blow dryers--20 hours;
- (9) permanent waving, marcelling, croquignole or hair relaxing--35 hours;
- (10) hair coloring and bleaching--25 hours;
- (11) salesmanship--10 hours;
- (12) manicuring--10 hours;
- (13) cosmetics--10 hours;
- (14) scalp treatments--10 hours;
- (15) roller placement and pin curl placement and directional waving for design--10 hours;
- (16) wig care and styling-- ~~40~~ 2 hours;
- (17) frosting and streaking--10 hours;
- (18) professional ethics--10 hours; and
- (19) sanitation and sterilization--20 hours.

Statutory Authority G.S. 88-23.

.0205 LIVE MODEL PERFORMANCE REQUIREMENTS

(a) The following live model performance completions shall be done by each student in the advanced department before the student is certified to the North Carolina State Board of Cosmetic Art Examiners for the examination:

- (1) hair and scalp treatments--30 hours -- 15 performance completions;
- (2) hairstyling and shampooing--200 hours -- 150 performance completions;
- (3) tinting and bleaching--50 hours -- 6 performance completions;

- (4) frosting and streaking--20 hours -- 4 performance completions;
 - (5) temporary rinses--10 hours -- 20 performance completions;
 - (6) semi permanent rinses--5 hours -- ~~7~~ 4 performance completions;
 - (7) cold permanent waving--150 hours -- ~~40~~ 20 performance completions;
 - (8) marcelling, croquignole and permanent relaxing--35 hours--15 performances;
 - (9) facials, massages, packs, eyebrow arching--15 hours -- 10 performance completions;
 - (10) lash and brow tinting--10 hours -- 4 performance completions;
 - (11) manicuring and hand and arm massage--20 hours -- ~~40~~ 20 performance completions;
 - (12) hair shaping--100 hours -- 25 performance completions; and
 - (13) wig care and styling-- ~~20~~ 4 hours -- ~~40~~ 2 performance completions; and
 - (14) electrical marcel curling iron and blow dryers--10 hours--10 performances.
- (b) Certification of these live model performance completions will be required along with the application for the examination.

Statutory Authority G.S. 88-23.

.0206 EQUIPMENT IN ADVANCED DEPARTMENT

The advanced department shall be equipped with the following minimum equipment:

- (1) four manicure tables and stools,
- (2) eighteen dryers and chairs,
- (3) eight shampoo bowls and chairs,
- (4) three heating caps or one conditioning machine,
- (5) thirty dressing tables and styling chairs,
- (6) three facial chairs,
- (7) ~~six~~ three marcel heaters,
- (8) ~~marcel irons for each student enrolled;~~ three marcel irons, and
- (9) sufficient cold wave rods for each student enrolled in the department.

Statutory Authority G.S. 88-23.

SECTION .0300 - COMBINED STUDIES

.0305 TEACHING PROGRAM (REPEALED)

Statutory Authority G.S. 88-21(16).

SUBCHAPTER 14L - TEACHING STAFF

SECTION .0100 - TEACHER EXAMINATIONS

.0101 QUALIFICATIONS

No person shall be eligible to take an examination to be certified as a teacher of cosmetic arts unless he or she has the following qualifications:

- (1) at least five years experience as a registered cosmetologist practicing cosmetic art in a beauty shop immediately prior to applying for examination; and
- (2) is a licensed cosmetologist who has practiced as a registered cosmetologist in an approved beauty salon at least six months and has completed at least 400 hours of teacher training in an approved beauty school or college, consisting of the following:
 - (a) 0 to 200 hours orientation unit planning, daily lesson planning and clinic management planning all under the supervision of a licensed instructor;
 - (b) 200 to 400 hours to be used by the trainee in conducting theory classes, practical demonstrations and clinic management under the direct supervision of a licensed instructor;
- (3) must be registered with the board before entering the teacher training program and a copy of his/her high school diploma must be attached to the enrollment;
- (a) Under no condition are hours for credit retroactive prior to registration with the board;
- (b) At no time shall the trainee do clinical work in the school;
- (4) must comply with present regulations requiring a high school diploma or equivalency;
- (5) must pay ten dollars (\$10.00) license fee.
- (6) All teachers taking the State Board Examination will be required to take both cultures before being issued a license;
- (7) After an applicant has taken the State Board Teacher's Examination and failed twice, he/she shall be required to enroll in the 400-hour Teacher Training Program and pass the examination with a grade of 85 percent.

Statutory Authority G.S. 88-23.

.0105 CONTINUING EDUCATION FOR COSMETOLOGY TEACHERS

"A teacher has two years to complete 16 hours of Continuing Education to renew his/her license."

Statutory Authority G.S. 88-23.

SECTION .0300 - COSMETOLOGY MANAGER

.0301 COSMETOLOGY MANAGER

The curriculum for a cosmetology manager shall be as follows:

- (1) Supervisory Responsibilities
 - (a) Hiring and Training -- 9 hours
 - (b) Public Relations -- 8 hours
 - (c) Employee Discipline -- 8 hours
- (2) Business Management
 - (a) Banking -- 3 hours
 - (b) Basic Bookkeeping -- 24 hours
 - (c) Payroll -- 10 hours
 - (d) Salaries and Commission -- 12 hours
 - (e) Appointment Scheduling -- 8 hours
 - (f) Inventory -- 7 hours
 - (i) Control
 - (ii) Purchasing
 - (iii) Merchandising
 - (g) Advertising -- 2 hours
 - (h) Insurance -- 2 hours
 - (i) Laws and Permits -- 2 hours
 - (j) Telephone Techniques -- 11 hours
 - (k) Salon Floorplanning -- 3 hours
- (3) Health and Public Safety
 - (a) First Aid -- 8 hours
 - (b) Accident Prevention -- 2 hours
 - (c) Fire Codes -- 2 hours
- (4) Advanced Hair Coloring
 - (a) Indepth Haircoloring -- 39 hours
 - (i) Corrective Haircoloring -- 17 hours
 - (ii) Advanced Color Formulas -- 7 hours
 - (iii) Laws of Color -- 7 hours
- (5) Advanced Restructuring
 - (a) Advanced Wave Techniques -- 27 hours
 - (b) Advanced Straightening Techniques -- 22 hours
 - (c) Advanced Relaxing Techniques -- 8 hours
- (6) Advanced Cosmetology
 - (a) Advanced Hair Analysis -- 6 hours
 - (b) Advanced Hair Shaping -- 34 hours
 - (c) Advanced Thermal Techniques -- 6 hours
 - (d) Advanced Blow Waving -- 6 hours

TOTAL HOURS: 300

Statutory Authority G.S. 88-5.

Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Board of Nursing intends to amend rules cited as 21 NCAC 36 .0301 - .0304, .0309 - .0310, .0315 .0317 - .0318, .0320; repeal rules 21 NCAC 36 .0316 and .0319.

The proposed effective date of this action is January 1, 1989.

The public hearing will be conducted at 2:00 p.m. on September 28, 1988 at Shell Island Resort Hotel, Wrightsville Beach, NC.

Comment Procedures: Any person wishing to present oral testimony relevant to proposed rule(s) may register at the door before hearing begins and present hearing officer with a written copy of testimony. Written statements may be directed, five days prior to the hearing date, to the North Carolina Board of Nursing, P.O. Box 2129, Raleigh, NC 27602.

CHAPTER 36 - BOARD OF NURSING

SECTION .0300 - APPROVAL OF NURSING PROGRAMS

.0301 APPROVAL BODY

The North Carolina Board of Nursing is designated as the legal approval body for nursing programs. The board is required to evaluate periodically each program in the light of requirements of the law and standards set forth by the board. To fulfill this responsibility, the board's representatives visit and survey nursing programs and associated agencies. The board reviews the reports of survey and other records relating to each program and determines requirements of the law and standards of as required by the board.

Statutory Authority G.S. 90-171.23 (b) (8); 90-171.23 (b) (9); 90-171.23 (b) (10); 90-171.38, 90-171.39; 90-171.40.

.0302 ESTABLISHMENT OF A NURSING PROGRAM

(a) The controlling institution must give evidence of a continuing commitment to provide those resources, human, physical, and financial, and services essential to maintain standards prescribed by the board.

(b) Delineation of authority, responsibility and accountability at all levels in the institution as they affect the nursing program must be stated.

(c) Authority for direction of the program must be delegated to a registered nurse qualified to serve as director. This authority must encompass responsibilities for maintaining standards and other legal requirements in all areas of the program.

(d) Evidence must exist that established policies and practices are implemented.

(a) An institution desiring to establish a nursing program shall submit an application that includes:

- (1) A feasibility study documenting the following:

- (A) approval of the program by the governing body of the parent institution;
 - (B) need for program;
 - (C) proposed student population;
 - (D) projected student enrollment;
 - (E) available clinical resources and maximum numbers of students that can be accommodated in clinical areas;
 - (F) evidence from existing nursing programs of the potential impact of the proposed program on clinical resources; and
 - (G) a plan with a specified time frame for availability of:
 - (i) qualified faculty as specified in standards;
 - (ii) financial resources;
 - (iii) physical facilities in the institution to house the program; and
 - (iv) support services available to the program from the institution.
- (2) A report prepared by the director of the proposed program and faculty providing:
- (A) a narrative description of the organizational structure of the program and its relationship to the controlling institution;
 - (B) a general overview of the proposed total curriculum that includes:
 - (i) program philosophy, purposes, and objectives competencies;
 - (ii) sequence of both nursing and non-nursing courses, indicating prerequisites and corequisites;
 - (iii) course descriptions and course objectives competencies for all courses; and
 - (iv) course syllabi as specified in 21 NCAC 36 .0309(h) for all first-year nursing courses;
 - (C) policies consistent with standards for admission, progression, and graduation of students;
 - (D) curriculum vitae for employed nursing faculty members whose numbers and qualifications are consistent with assigned responsibilities in the development of the program; and
 - (E) proposed agreements with clinical agencies, including types of units available and number of students that can be accommodated in each area at one time.
- (b) The completed application must be submitted to the board not less than 90 days prior to a regular meeting of the board to allow for:
- (1) survey of the proposed program and facilities;
 - (2) preparation of the report of the survey;
 - (3) response to the survey report by persons from the proposed program; and
 - (4) review by the Education Committee of the Board for recommendations to the board.
- (c) At a meeting, the board shall consider all evidence, including the application, survey report, and recommendations of the Education Committee. Representatives of the petitioning institution may speak at the meeting. The board shall act upon the data available at the meeting or at a subsequent meeting.
- (d) If the board finds, from the evidence presented, that the resources and plans meet requirements for establishing a new nursing program, that the petitioning institution is able and willing to maintain support and resources essential to meet the standards of the board, and if the first class of students is enrolled within one year after this finding, the board shall grant initial approval and place the name of the program on the list of programs with initial approval for a minimum specified period of time. The period of time a program may retain initial approval status shall be influenced by the length of the time necessary for full implementation of the program. A program shall be considered eligible for removal from the list of initially approved programs and placement on the list of approved programs following a survey during the final semester quarter term of total curriculum implementation.
- (e) Programs with initial approval shall be surveyed as follows:
- (1) annually during the specified period of initial approval;
 - (2) during the final semester/quarter term or complete implementation of the program;
 - (3) as directed by the board when a decision has been made that the program is not complying with standards.
- (f) Following any survey the board will act upon data from the following:
- (1) a report of the survey;
 - (2) response from the program representatives to the survey report; and
 - (3) recommendations from the Education Committee.
- (g) Upon finding by the board that the program complies with standards, the board shall direct that the program remain on the list of initially approved programs. If, following the survey during the final semester quarter term for total curriculum implementation, the board finds that the program is complying with all standards, the board shall direct that the program be placed on the list of approved programs.
- (h) Upon finding by the board that the program does not comply with all standards by the final semester quarter term of initial approval, the board shall:

- (1) provide the program with written notice of the board's decision;
- (2) upon written request from the program submitted within ten days of the board's written notice, schedule a hearing. Such hearing will be held not less than 20 days from the date on which the request was received.
- (i) Following the hearing and consideration of all evidence provided, the board shall direct that the name of the program be placed on the list of approved programs or shall enter an ORDER removing the name of the program from the list of initially approved programs, which shall constitute discontinuance of the program.

Statutory Authority G.S. 90-171.38.

.0303 EXISTING NURSING PROGRAM

- (a) Both full-time and part-time members shall be considered nursing program faculty.
- (b) Policies for nursing program faculty shall reflect those of the institution; however, variations in these policies may be necessary because of the nature of the nursing curriculum.
- (c) Faculty qualifications must be stated; qualifications for nurse faculty must include abilities and experiences in clinical nursing and teaching required by the program objectives.
- (d) Faculty who teach non-nursing courses required in the nursing curriculum must have appropriate academic and experiential qualifications for the program areas in which they participate.
- (e) Each nurse faculty member must be currently licensed as a registered nurse in North Carolina.
- (f) Each nurse faculty member must hold a baccalaureate in nursing or a baccalaureate with a major in nursing. Exceptions: The nurse faculty member who holds a master's degree in nursing and a baccalaureate in another discipline; the nurse currently employed as a faculty member on January 1, 1984 who holds a baccalaureate in another discipline; the nurse faculty member who, on January 1, 1984, does not hold a baccalaureate must achieve this degree within six years.
- (g) Each nurse faculty member employed after January 1, 1984, shall have had a minimum of two years prior employment in direct patient care.
- (h) The nurse director of a practical nurse education program employed as such after January 1, 1984, shall have had at least two years experience teaching in nursing program(s) in addition to qualifications stated in (f) and (g) of this Rule.
- (i) The nurse director of a program preparing individuals for registered nurse practice must hold

earned baccalaureate and master's degrees, one of which shall be in nursing. The nurse director employed as such on January 1, 1984, who does not hold one of these degrees in nursing, must achieve such degree within six years of January 1, 1984. The nurse director employed as such after January 1, 1984, shall have had at least two years experience teaching at or above the level of the program.

(j) The faculty member in a program preparing individuals for registered nurse practice who has primary responsibility designated by the program for planning, implementing, and evaluating each major clinical nursing course shall hold an earned master's degree within six years of January 1, 1984.

(k) The nurse faculty must have appropriate authority and responsibility for student admissions and progressions; the curriculum; its implementation and evaluation; and graduation requirements.

(l) The teacher-student ratio in clinical areas depends upon the level of students; the acuity of patients; and the average daily census in the unit. This ratio shall be 1:10 or less. Exceptions to exceed the 1:10 ratio shall be submitted with documented sufficient justification for board approval.

(m) There shall be documentation of annual evaluation of the effectiveness of each individual faculty member.

(a) Representatives of the board will survey approved programs at least every five years as specified in G.S. 90-171.40.

- (1) Surveys of individual programs may be conducted at shorter intervals upon the board's direction or upon request from the individual institution.
- (2) Through December 31, 1989, surveys shall be done within one year for those programs whose graduates demonstrate a pass rate of less than 70 percent on first writing of the licensure examination at a single examination session by a regular graduating class.
- (3) Effective January 1, 1990, surveys shall be done within one year for those programs whose graduates demonstrate a pass rate of less than 75 percent on first writing of the licensure examination at a single examination session by a regular graduating class.
- (b) The program shall receive a written report of the survey no less than ten business days prior to a regularly scheduled Education Committee meeting to allow time for the program to respond to the survey in writing. The Education Committee shall consider all evidence, including the

survey report and program's response, and make recommendations for the board's consideration at the next regularly scheduled meeting of the board.

(c) If the board determines that a program has met all standards, the board shall direct that the name of the program be placed on the list of approved programs.

(d) If the board determines that a program has substantially complied with all standards, the board shall specify stipulations which shall be met by the program within a designated period of time, which shall not exceed 12 months, and shall direct that the name of the program be placed on the list of approved programs.

(e) If the board determines that a program is not complying with standards and or stipulations following a routine or board-directed survey, and the board has directed that the name of the program be placed on the list of provisionally approved programs, the board shall give written notice by certified or registered mail to the program specifying:

- (1) the areas in which there is non-compliance with standards and or stipulations; and
- (2) a time no later than 12 months from the date of notice by which the program must comply with all standards.

(f) At the end of the specified time, representatives of the board shall conduct a survey to determine the program's compliance with all standards.

(g) The program shall receive a written report of the survey no less than ten business days prior to a regularly scheduled Education Committee meeting to allow time for the program to respond to the survey report in writing. The Education Committee shall consider all evidence, including the survey report and program's response, and make recommendations for the board's consideration at the next regularly scheduled meeting of the board.

(h) If the board determines that the program is complying with all standards, the board shall direct that the name of the program be placed on the list of approved programs.

(i) If the board determines that the program is not complying with all standards, the board shall direct that the name of the program be placed on the list of provisionally approved programs.

(j) The board shall direct that the name of a program be placed on the list of provisionally approved programs upon finding that the program has continued in non-compliance with standards contained in the official notice from the board.

(k) When the board has directed that the name of a program be placed on the list of provisionally approved programs, the board shall:

- (1) determine if the program may continue to admit students based on evidence that the program can comply with all standards before the end of the designated period for probational approval;
- (2) provide the program with written notice of the board's decision regarding probational approval and admission of students;
- (3) schedule a hearing if the program submits a written request for such within ten business days of the receipt of the board's notice. Such hearing shall be held not less than 20 days from the date on which the request was received.

(l) If the program does not request a hearing, the program will remain on the list of provisionally approved programs and shall be surveyed by representatives of the board within one year of the board's initial determination of probational approval.

(m) If the program so requests, a hearing will be scheduled.

- (1) If the board determines from evidence presented at the hearing that the program is complying with all standards, the board shall direct that the name of the program be placed on the list of approved programs.

- (2) If the board determines from evidence presented at the hearing that the program is not complying with all standards, the program shall remain on the list of provisionally approved programs for no more than one year from the date that the name of the program was placed on the list of provisionally approved programs. A survey by representatives of the board shall be conducted during that specified time.

(n) The program shall receive a written report of the survey no less than ten business days prior to a regularly scheduled Education Committee meeting to allow for the program to respond to the survey report in writing. The Education Committee shall consider all evidence, including the survey report and program's response, and make recommendations for the board's consideration at the next regularly scheduled meeting of the board.

(o) If the board determines that the program is complying with all standards, the board shall direct that the name of the program be placed on the list of approved programs.

(p) If the board determines that the program is not complying with all standards, the board

shall cause notice to be served on the program and shall specify a date for a hearing to be held not less than 20 days from the date on which notice is given.

(q) If the board determines from evidence presented at the hearing that the program is complying with all standards, the board shall direct that the name of the program be placed on the list of approved programs.

(r) If the board determines from evidence presented at the hearing that the program is not complying with all standards, the board shall enter an ORDER removing the name of the program from the list of programs on probational approval. This action constitutes discontinuance of the program.

Statutory Authority G.S. 90-171.39; 90-171.40.

.0304 ADMINISTRATION

(a) Students in nursing programs must meet requirements established by the controlling institution. There may be additional requirements for nursing students because of the nature and legal responsibilities of nursing education and nursing practice.

(b) Admission requirements and practices must be stated clearly and published by the controlling institution and must include the following elements:

(1) Criteria for screening applicants for admission to a nursing program must include assessment of:

(A) physical and emotional health which would indicate applicant's ability to provide safe nursing care to the public; and

(B) achievement potential within the nursing program through the use of previous academic records and pre-entrance examination cut-off scores which are justifiable in light of curriculum demands and scholastic expectations; and

(C) records of high school graduation or equivalent.

(2) Student enrollment must not exceed a level commensurate with the total resources available to the program. Expansion of enrollment must be approved by the board.

(c) Written progression policies and practices must be established to facilitate identification of and allow for dismissal of students who:

(1) present problems in physical or emotional health which do not respond to appropriate treatment, counseling, or treatment and counseling, within a reasonable period of time; or

(2) demonstrate behavior which conflicts with safety essential to nursing practice.

(d) Criteria for progression through a program must clearly define the level of performance required to pass each course in the curriculum; the level at which failure of the course is determined; and the level of performance required in prerequisite courses for progression to subsequent courses or levels. These criteria must apply to both theoretical and clinical components of nursing courses. Criteria for performance in clinical nursing courses must include competencies in components of basic nursing practice as legally defined for the licensure level.

(e) Policies for graduation must be in accord with outcomes expected of an individual in nursing practice as legally defined for the licensure level.

(f) Implementation of the nursing program must result in no less than 70 percent of the graduates passing the licensing examination on first writing. Six years after January 1, 1984, the required pass rate will be 75 percent.

(g) Policies for transfer of credits and for admission to advanced standing must be stated and must provide that:

(1) general admission, progression and graduation requirements of the nursing program apply to the applicant;

(2) the nursing program shall determine the total number of nursing courses and credits allowed for advanced standing.

(a) The controlling institution must give evidence of a continuing commitment to provide those human, physical, and financial resources and services essential to maintain standards prescribed by the board.

(b) Delineation of authority, responsibility and accountability at all levels in the institution, as they affect the nursing program, must be stated.

(c) Authority for direction of the program must be delegated to a registered nurse qualified to serve as director. This authority must encompass responsibilities for maintaining standards and other legal requirements in all areas of the program.

(d) Evidence must exist that established policies and practices are implemented.

Statutory Authority G.S. 90-171.23 (b) (8); 90-171.38.

.0309 FACULTY

(a) The curriculum shall be planned by nurse faculty and shall be in keeping with the stated purposes of the program.

(b) The curriculum shall include, but not necessarily be limited to, instruction in biological,

physical, and social science principles and in nursing care of individuals and families throughout the life cycle and of persons with common medical and surgical conditions. Instruction in nursing care in all areas named shall include both theory and clinical learning experiences.

(c) The curriculum for a nursing program designed to prepare persons for registered nurse licensure shall also include instruction in the nursing care of persons with mental-emotional disorders. Instruction shall include both theory and clinical learning experiences.

(d) The curriculum for a baccalaureate nursing program shall also include public-community health nursing. Instruction shall include both theory and clinical learning experiences.

(e) The curriculum for a nursing program designed to prepare persons for practical nurse licensure shall also include basic mental health principles and therapeutic communications.

(f) Learning opportunities must be planned in logical sequence so that prerequisite knowledge is provided prior to the experience to which it is basic. Corequisites must be placed concurrently with the experience (course) to which they relate.

(g) Objectives for each course must indicate the understanding and skills expected of the students. These objectives must be stated to:

- (1) indicate the relationship between the classroom learning and the application of this learning in the clinical laboratory experience;
- (2) serve as criteria for the selection of the kinds and locations of learning experiences;
- (3) serve as a basis for evaluating student performance.

(h) Course outlines must include, in addition to the objectives described in Paragraph (g) of this Rule, a description of content, learning environments, activities, placement, allocation of time, and methods of evaluation of student performance. These items must be stated clearly in order to relate to the course objectives.

(i) There must be evidence that each course is implemented in accordance with the course outline.

(j) Nurse faculty must demonstrate that they have authority and responsibility for teaching and evaluating all classroom and clinical learning experiences.

(k) Classroom and clinical learning experiences must be planned and implemented so that objectives of each course are met. Clinical learning experiences must provide appropriate placement and logical sequencing to support application of theory and attainment of understandings and skills expected in the clinical laboratory.

(l) There must be evidence of an ongoing plan for evaluating the curriculum as it relates to the total program and projected needs for revision. The process of curriculum evaluation must include total faculty involvement; student and graduate involvement is encouraged.

(m) Any proposed curriculum change shall be reported to the board at least 60 days prior to planned implementation. If the change is in overall purpose or design of the curriculum, the proposal shall be submitted to the board 60 days prior to a regular board meeting and approved by the board prior to implementation.

(a) Both full-time and part-time members shall be considered nursing program faculty.

(b) Policies for nursing program faculty members shall reflect those of the institution; however, variations in these policies may be necessary because of the nature of the nursing curriculum.

(c) Qualifications for nurse faculty members must be stated and reflect knowledge and experiences in clinical nursing and teaching which are appropriate for assigned responsibilities.

(d) Faculty members who teach non-nursing courses required in the nursing curriculum must have appropriate academic and experiential qualifications for the program areas in which they participate.

(e) Each nurse faculty member must be currently licensed as a registered nurse in North Carolina.

(f) Each nurse faculty member must hold a baccalaureate degree in nursing or a baccalaureate degree with a major in nursing. Exceptions are:

- (1) the individual who holds a master's degree in nursing and a baccalaureate in another discipline;
- (2) the individual employed as a faculty member prior to January 1, 1984, who holds a baccalaureate degree in another discipline.

The individual currently employed who does not hold a baccalaureate degree must achieve this degree by January 1, 1990.

(g) Each nurse faculty member employed after January 1, 1984, shall have had a minimum of two years prior employment in direct patient care as a registered nurse.

(h) In addition to all qualifications for nurse faculty members stated in this Rule, the nurse director of a practical nurse education program employed as such after January 1, 1984, must have had at least two years experience teaching in nursing program(s).

(i) In addition to all qualifications for nurse faculty members stated in this Rule, the nurse

director of a program preparing individuals for registered nurse practice who was employed:

- (1) prior to January 1, 1984, and does not hold earned baccalaureate and masters degrees, must hold both degrees by January 1, 1990, one of which shall be in nursing; or
- (2) after January 1, 1984, must hold earned baccalaureate and masters degrees, one of which shall be in nursing, and have had at least two years experience teaching at or above the level of the program.

(j) The nurse faculty member in a program preparing individuals for registered nurse practice who has primary responsibility, designated by the program, for planning, implementing, and evaluating each major clinical nursing course shall hold an earned masters degree by January 1, 1990.

(k) The nurse faculty members must have the appropriate authority and responsibility for student admission, progression, and graduation requirements; and development, implementation, and evaluation of the curriculum.

(l) The nurse faculty members must be sufficient in number to implement the curriculum as demanded by the course objectives/ competencies, the levels of the students, and the nature of the learning environment. The faculty-student ratio in clinical areas shall be justified by the level of students, the acuity of patients, and the average daily census in the unit. This ratio shall be 1:10 or less. Request to exceed the 1:10 ratio shall be submitted for board approval.

(m) There shall be an annual written performance evaluation of each nursing program faculty member by the program director or his/her designee. There shall be an annual written performance evaluation of the nursing program director by institution administration.

Statutory Authority G.S. 90-171.23 (b) (8); 90-171.38.

.0310 STUDENTS

(a) Campus facilities must be appropriate in type, number, and accessibility for the total needs of the program.

- (1) Classrooms, practice laboratories, audio-tutorial laboratories, and conference rooms must be appropriate in size, number, and types for the number of students and purposes for which the rooms are to be used. Lighting, ventilation, location, and equipment must be suitable.
- (2) Office and conference space for faculty must be appropriate and available for un-

interrupted work and privacy for conferences with students.

- (3) The library facilities must be readily accessible to students and faculty, and must offer adequate resources and services.
 - (A) Active library services must include a librarian, a system of cataloging, and a system which ensures that holdings are current, representative of all areas covered by the curriculum and adequate in numbers to serve the program needs.
 - (B) Library space for use by students and faculty must be adequate to accommodate the program.
 - (C) Library hours must meet the needs of the students in the program.
- (b) Other facilities must support the program.
 - (1) Clinical resources must include:
 - (A) general hospital;
 - (B) hospital(s) which provide inpatient services in medicine, surgery, obstetrics, and pediatrics;
 - (C) agencies with patient census representing all age groups presenting problems arising from common pathological conditions;
 - (D) patient census with sufficient number and variety to accommodate the number of students expected for learning experiences as mandated by the curriculum at any given time.
 - (2) Clinical resources for programs leading to registered nurse licensure must also include psychiatric-mental health services with sufficient patient census in community sites and/or inpatient facilities at which psychiatric-mental health care is a primary focus. Patient census must be representative of the range of DSM III diagnoses.
 - (3) Clinical resources for baccalaureate nursing programs shall also include public-community health services within voluntary or official nursing agencies.
 - (4) Each resource must:
 - (A) have approval of the board;
 - (B) have a registered nurse with authority and responsibility for administration of nursing within the resource;
 - (C) have staffing and written operational policies and procedures designed to ensure the legal practice of nursing as defined in G.S. 90-171.20(f),(g), and (h), and to ensure effective learning;
 - (D) make records of those served available for use by faculty and students;

- (1) have equipment and supplies suitable in quantity and quality properly maintained and available for use;
- (2) have contractual agreement with the program which must:
 - (i) be current;
 - (ii) include the number of students permitted in the facility at one time and the number of faculty required to supervise these students;
 - (iii) reflect the responsibility of faculty in the clinical learning situation;
 - (iv) give the date the contract will be reviewed;
 - (v) include provision for conference space.
- (3) Schedules for use by one or more nursing programs must demonstrate feasibility for such use and reflect cooperative planning by the programs and the resource.
 - (a) Students in nursing programs must meet requirements established by the controlling institution. Additional requirements may be needed for nursing students because of the nature and legal responsibilities of nursing education and nursing practice.
 - (b) Admission requirements and practices must be clearly stated and published by the controlling institution and must include assessment of:
 - (1) physical and emotional health that would provide evidence that is indicative of the applicant's ability to provide safe nursing care to the public; and
 - (2) achievement potential through the use of previous academic records and pre-entrance examination cut-off scores that are consistent with curriculum demands and scholastic expectations; and
 - (3) records of high school graduation or equivalent.
 - (c) The number of students enrolled must not exceed a level commensurate with the total resources available to the program. Requests for expansion of enrollment must be approved by the board.
 - (d) Published policies and practices must exist that provide for identification and dismissal of students who:
 - (1) present physical or emotional problems that do not respond to appropriate treatment and/or counseling within a reasonable period of time; or
 - (2) demonstrate behavior which conflicts with safety essential to nursing practice.
 - (e) Criteria for progression through a program must clearly define the level of performance required to pass each course in the curriculum, the level at which failure of the course is determined,

and the level of performance in prerequisite courses required for progression to subsequent courses or levels. These criteria shall apply to both theoretical and clinical components of nursing courses. Criteria for performance in clinical nursing courses shall include competencies in components of basic nursing practice as legally defined for the licensure level.

(f) Criteria for graduation must be in accord with outcomes expected of an individual in nursing practice as legally defined for the licensure level.

(g) Implementation of the nursing program shall result in no less than 70 percent pass rate on first writing of the licensure examination at a single examination session by a regular graduating class. Effective January 1, 1990, this required pass rate shall be 75 percent.

(h) Policies for transfer of credits and/or admission to advanced placement must be stated and must provide that:

- (1) general admission, progression and graduation requirements of the nursing program shall apply to the applicant; and
- (2) the nursing program shall determine the total number of nursing courses and/or credits allowed for advanced placement.

Statutory Authority G.S. 90-171.23 (b) (8); 90-171.38.

.0315 CURRICULUM

(a) An accurate and complete records system shall be maintained. Both current and permanent records shall be safely stored in fire-resistant locked files to prevent damage or unauthorized use.

(b) Both permanent and current records must be available for review by representatives of the board. The board makes use of the facts supplied in evaluating nursing programs and in approving applications of graduates for the licensing examination.

(c) The permanent record for each graduate shall include documentation of admission criteria met by the individual and transcript of the individual's achievement in the program.

(d) The record for each enrolled student shall contain up-to-date and complete information, including:

- (1) documentation of admission criteria met by the student;
- (2) evidence of graduation from an accredited high school or equivalent;
- (3) credit hours achieved in classroom, laboratory, and clinical instruction for each course;
- (4) progress as graded under a suitable system.

(e) The nursing program shall file with the board such records, data, and reports as may be required in order to furnish information concerning operation of the program as prescribed in the standards and concerning any student or graduate of the program. These records, data and reports include but are not necessarily limited to:

- (1) an Annual Report giving all data requested on the form provided by the board for the period beginning October 1 and ending September 30 and submitted to the board office by October 15 of each year;
- (2) a Supplementary Report giving all data requested on the form provided by the board for the six-months period from October 1 through March 31 and submitted to the board office by April 15 of each year.

(f) The board may require additional records and reports or may require these data for review at other times to provide and substantiate evidence of compliance by the program and its associated agencies with standards and requirements of law.

(g) The Application for Licensure by Examination shall be submitted on forms provided by the board.

- (1) The part of the application to be submitted by the nursing program shall include but is not necessarily limited to a statement indicating satisfactory completion of all requirements for graduation and the date of completion.
- (2) The application is to be submitted as soon as is practicable upon completion of the program; or, in any event, by the published deadline date applicable to the examination. In instances where the published deadline cannot be met, special consideration may be granted upon written request from the director of the program no less than 60 days prior to the deadline date.

(a) The curriculum shall be planned by nursing program faculty and shall be in keeping with the stated program philosophy, purposes, and objectives/competencies.

(b) The curriculum shall include, but not necessarily be limited to instruction in:

- (1) biological, physical, and social science principles;
- (2) nursing care of individuals and families throughout the life cycle; and
- (3) nursing care of persons with common medical and surgical conditions.

Instruction in nursing care in all areas named shall include both theory and clinical learning experiences.

(c) The curriculum for a nursing program designed to prepare persons for registered nurse licensure shall also include instruction in the nursing care of persons with mental/emotional/psychiatric disorders. Instruction shall include both theory and clinical learning experiences.

(d) The curriculum for a baccalaureate nursing program shall also include public/community health nursing. Instruction shall include both theory and clinical learning experiences.

(e) The curriculum for a nursing program designed to prepare persons for practical nurse licensure shall include basic mental health principles and therapeutic communication.

(f) Learning opportunities must be planned in logical sequence so that prerequisite knowledge is provided prior to the experience to which that knowledge is basic. Corequisites must be placed concurrently with the experience(s) [course(s)] to which they relate.

(g) Objectives/competencies for each course must indicate the knowledge and skills expected of the students. These objectives/competencies must be stated to:

- (1) indicate the relationship between the classroom learning and the application of this learning in the clinical laboratory experience; and
- (2) serve as criteria for the selection of the types of and settings for learning experiences; and
- (3) serve as the basis for evaluating student performance.

(h) Course syllabi must include, in addition to the objectives/competencies described in Paragraph (g) of this Rule, a description and outline of content, learning environments and activities, course placement, allocation of time, and methods of evaluation of student performance. These items must be clearly stated in order to relate to the objectives/competencies for each course.

(i) There must be evidence that each course is implemented in accordance with the course syllabus.

(j) Nurse faculty must demonstrate that they have authority and responsibility for:

- (1) teaching and evaluating all classroom and clinical experience;
- (2) planning and implementing learning experiences so that objectives/competencies for each course are met; and
- (3) providing placement and logical sequencing of clinical learning experiences to sup-

port application of theory and attainment of knowledge and skills.

(k) There must be a written plan for total program evaluation and documentation of ongoing implementation of the plan. The evaluation components shall include administration, faculty, students, curriculum, facilities, and records and reports. The process of evaluation shall include faculty, student and graduate involvement.

(l) Requests for approval of changes in, or expansion of, the program must be submitted at least 60 days prior to a scheduled board meeting for action by the Education Committee. The request shall be accompanied by documentation of available resources. Approval is required for:

- (1) increase in enrollment which may exceed the maximum approved by the board;
- (2) changes in curriculum related to philosophy, purpose, and or focus of the program or changes in the curriculum master plan;
- (3) alternative additional program schedules;
- (4) addition of clinical resources;
- (5) change(s) in or additional campus site(s).

Statutory Authority G.S. 90-171.23(b)(8); 90-171.38.

.0316 SURVEYS: REPORTS: ACTIONS (REPEALED)

Statutory Authority G.S. 90-171.23(b)(9); 90-171.40.

.0317 FACILITIES

(a) An institution desiring to establish a nursing program shall submit an application which includes:

- (1) A report on a feasibility study documenting:
 - (A) need for program;
 - (B) proposed student population;
 - (C) projected student enrollment;
 - (D) available clinical resources and minimum and maximum numbers of students that can be accommodated in clinical areas;
 - (E) availability of qualified faculty as specified in Standards;
 - (F) financial resources;
 - (G) intended relationship with other nursing programs;
 - (H) availability of physical facilities in the institution to house the program;
 - (I) support services available to the program from the institution.
- (2) A report prepared by the director of the proposed program and faculty providing:

(A) a narrative description of the organizational structure of the program and its relationship to the controlling institution;

(B) a general overview of the proposed total curriculum that includes:

- (i) philosophy and program objectives;
- (ii) sequence of both nursing and non-nursing courses, indicating prerequisites and corequisites;
- (iii) description of content and general course objectives for all courses;
- (iv) details of course development as specified in standards for all first-year courses;

(C) policies for admission, progression and graduation of students consistent with Standards;

(D) curriculum vitae for employed faculty who must be sufficient in number and in qualifications to develop the program;

(E) proposed agreements with clinical agencies, including kinds of units available and number of students that can be accommodated in each area at one time.

(b) The completed application must be submitted not less than 90 days prior to a regular meeting of the board to allow for:

- (1) survey of the proposed program and facilities;
- (2) preparation of the report on the survey;
- (3) response to the survey report by persons from the proposed program.

(c) The board, at a meeting at which representatives of the petitioning institution may speak upon giving reasonable written notice, shall consider the application, survey report and such other evidence as may be presented. The board shall act on the data available at the same or a subsequent meeting.

(d) If the board finds from the evidence presented that the resources and plans meet requirements for beginning a new nursing program; that the petitioning institution is able and willing to maintain support and resources essential to meet legal requirements and standards of the board; and if the first class of students is enrolled within one year after this finding; the name of the program shall be placed on the list of provisionally approved programs. The board shall establish the maximum time the program may remain on provisional approval, which shall be influenced by the length of the program. Failure to meet standards and requirements by the final year of the period of provisional approval will result in an order to discontinue the program.

(1) A survey of the program shall be conducted annually during the specified period of provisional approval. Following

any survey, upon finding by the board that the program complies with all standards and requirements, the program shall be placed on the list of approved programs.

- (2) Following the survey in the final year specified for provisional approval, upon finding by the board that the program does not meet all standards and requirements, the board shall:

(A) provide the program with written notice of the board's decision;

(B) upon written request from the program submitted within 10 days of the receipt of the board's notice, schedule a hearing; such hearing to be held not less than 20 days from the date on which the request was received.

- (3) Following the hearing and consideration of all evidence presented, the board shall place the name of the program on the approved list or shall enter an order removing the name of the program from the list of provisionally approved programs, which shall constitute discontinuance of the program.

(a) Campus facilities must be appropriate in type, number, and accessibility for the total needs of the program.

- (1) Classrooms, practice laboratories, audio/video/tutorial laboratories, and conference rooms must be sufficient in size, number, and types for the number of students and purposes for which the rooms are to be used. Lighting, ventilation, location, and equipment must be suitable.

- (2) Office and conference space for nursing program faculty members shall be appropriate and available for uninterrupted work and privacy including conferences with students.

- (3) The library facilities must be readily accessible to students and faculty, and must offer adequate resources and services.

(A) Active library services must include a librarian, a system of cataloging, and a system that includes nurse faculty members' participation which ensures that holdings are current, representative of all areas included in the curriculum, and adequate in numbers to serve the program needs.

(B) A system exists that ensures that clinical oriented holdings, including audio/video/tutorial resources, are the most recent or no more than five years old. The older holdings which are shelved with current editions shall be distinctly identi-

fied and the purposes for use shall be stated in writing and disseminated to faculty and students.

- (C) Library space for use by students and faculty must be adequate to accommodate the program.

(D) Library hours must meet the needs of the students in the program.

(b) Other facilities must support the program.

- (1) Clinical resources must include:

(A) hospital(s) that provide inpatient services in medicine, surgery, obstetrics, and pediatrics;

(B) agencies serving patients of all ages who present problems arising from common pathological conditions;

(C) patient census in hospitals and agencies with sufficient numbers and varieties of conditions, including varying degrees of acuity, to accommodate the number of students and provide learning experiences mandated by the curriculum.

- (2) Clinical resources for programs leading to registered nurse licensure must include psychiatric/mental health services with sufficient patient census in community sites and/or inpatient facilities at which psychiatric/mental health care is a primary focus. Patient census must be representative of the range of DSM III diagnoses.

- (3) Clinical resources for baccalaureate nursing programs shall include public/ community health services within voluntary or official nursing agencies.

- (4) Each clinical resource must:

(A) have approval of the board;

(B) have a registered nurse with authority and responsibility for administration of nursing within the resource;

(C) have staffing and written operational policies and procedures designed to ensure the legal practice of nursing, as defined in Article 9, Chapter 90 of the General Statutes (Nursing Practice Act) and Administrative Code, Title 21, Chapter 36, and to ensure effective learning;

(D) make records of those served available for use by faculty and students;

(E) have equipment and supplies that are suitable in quantity and quality, properly maintained, and available for use; and

(F) have contractual agreement with the program which must:

(i) be current;

(ii) include faculty/student ratio of 1:10 or less;

(iii) reflect the responsibility of faculty in the clinical learning situation;

- (iv) give the date and process for review;
and
- (v) include provision for conference space.
- (5) Schedules for use by one or more nursing programs must demonstrate feasibility for such use and reflect cooperative planning by the programs and the resource.

Statutory Authority G.S. 90-171.23(b)(8); 90-171.38.

.0318 RECORDS AND REPORTS

(a) Representatives of the board will survey an approved program at least every five years as specified in G.S. 90-171.40.

- (1) Surveys of individual programs may be conducted at shorter intervals at the board's discretion or upon request from the individual institution.
- (2) Surveys shall be done within one year of those programs whose graduates demonstrate a pass rate of:
 - (A) less than 60 percent on first writing of the licensing examination at a single examination session by a regular graduating class; or
 - (B) less than 70 percent on first writing of the licensing examination over a period of three years.

(b) Written reports of surveys shall be submitted to the board and shall be sent to the program in sufficient time for persons from the program to provide a written response for the board's consideration at its regularly scheduled meeting.

(c) Upon finding by the board that the program meets all standards and requirements, the name of the program shall be continued on the list of approved programs.

(a) An accurate and complete records system shall be maintained. Current and permanent student records shall be stored in a way that prevents damage and or unauthorized use.

(b) Both permanent and current records must be available for review by representatives of the board. The board makes use of the facts supplied in evaluating nursing programs and in approving applications of graduates for the licensure examination.

(c) The permanent record for each graduate shall include documentation of admission criteria met by the individual and transcript of the individual's achievement in the program.

(d) The record for each enrolled student shall contain up-to-date and complete information, including:

- (1) documentation of admission criteria met by the student;

(2) evidence of graduation from an accredited high school, high school equivalent, or earned college-level credits from an accredited university or college; and

(3) transcript of credit hours achieved in the classroom, laboratory, and clinical instruction for each course that reflects progression consistent with program policies.

(e) The nursing program shall file with the board such records, data, and reports as may be required in order to furnish information concerning operation of the program as prescribed in the standards and concerning any student or graduate of the program. These records, data and reports include but are not necessarily limited to:

(1) an Annual Report giving all data requested on the form provided by the board for the period beginning fall term through summer term and submitted to the board office by October 15 of each year;

(2) a Supplementary Report giving all data requested on the form provided by the board for fall term through March 31 and submitted to the board office by April 15 of each year;

(3) notification by institution administration of any change of the registered nurse responsible for the nursing program. This notification must include a vitae for the new individual and must be submitted within ten business days of the effective date of the change.

(f) The board may require additional records and reports for review at any time to provide evidence and substantiate compliance with standards and law by a program and its associated agencies.

(g) The Application for Licensure by Examination shall be submitted on forms provided by the board.

(1) The part of the application to be submitted by the nursing program shall include, but is not necessarily limited to, a statement indicating satisfactory completion of all requirements for graduation and the date of completion.

(2) The application is to be submitted as soon as possible following completion of the program; or in any event, by the published deadline date applicable to the examination. In instances where the published deadline cannot be met, special consideration may be granted upon written request from the director of the program no less than 60 days prior to the deadline date.

(h) When a nursing program closes, the board shall be notified of the arrangements for storage of permanent records. Storage method shall prevent damage and/or unauthorized use.

Statutory Authority G.S. 90-171.23(b)(8); 90-171.38.

**.0319 NURSING PROGRAM IN
NON-COMPLIANCE (REPEALED)**

Statutory Authority G.S. 90-171.40.

.0320 EXPERIMENTAL APPROACHES

(a) In the interest of promoting innovations in nursing programs, the board will consider proposals for experimental approaches in nursing education. Such proposals must be submitted to the board for approval and shall include a description of the experiment, a rationale, strategies for implementation, and plans for evaluation.

(b) Proposals must be submitted 60 days prior to the next scheduled board meeting to allow time for review by the Education Committee for recommendations to the board. The proposal shall include the following:

- (1) description of the experimental approach and rationale;
- (2) purposes and objectives;
- (3) strategies for implementation including:
 - (A) anticipated date of implementation;
 - (B) methodologies;
 - (C) course(s) involved;
 - (D) resources available;
 - (E) numbers of students and faculty members involved;
 - (F) responsibilities/activities of the faculty members;
 - (G) responsibilities/activities of the students;
 - (H) relationship to existing curriculum;

(I) effect on admission and progression of student; and

(J) proposed length.

(4) strategies for evaluation including:

(A) evaluation process to be used;

(B) anticipated outcome(s);

(C) implications of the outcome(s).

(c) Program representatives will be notified of the time and date that the Education Committee and the board will consider the proposal. Program representatives shall attend these meetings.

(d) When approved by the board, experimental approaches are to be implemented for one time only.

(e) When a nursing program utilizes an experimental approach, the program shall have sole responsibility for determining the criteria for student participation. Students must be informed that they will be participating in an experimental approach.

(f) Nurse faculty members have the final responsibility for evaluation of the outcomes. The program director may be required to submit periodic evaluation reports. A report of outcomes resulting from the experimental experience must be submitted within 90 days of its completion.

(g) If, at any time during the implementation of the approach, the nursing program faculty members become aware that student learning or patient care is being jeopardized, they shall immediately take corrective action. The program director shall notify the board.

(h) Request from the program for the experimental approach to become a permanent part of the program must be submitted 60 days prior to a regularly scheduled board meeting. No request will be considered until the final evaluation of the project has been completed and submitted to the board.

Statutory Authority G.S. 90-171.23(b)(8); 90-171.38.

Upon request from the adopting agency, the text of rules will be published in this section.

When the text of any adopted rule is identical to the text of that as proposed, adoption of the rule will be noted in the "List of Rules Affected" and the text of the adopted rule will not be republished.

Adopted rules filed by the Departments of Correction, Revenue and Transportation are published in this section. These departments are not subject to the provisions of G.S. 150B, Article 2 requiring publication of proposed rules.

TITLE 5 - DEPARTMENT OF CORRECTION

CHAPTER 2 - DIVISION OF PRISONS

SUBCHAPTER 2G - COURT RELATED PROCEEDINGS

SECTION .0300 - ADMINISTRATIVE REMEDY PROCEDURE

.0301 PURPOSE

(a) The policy of the North Carolina Department of Correction is to provide inmates an opportunity for administrative settlement of legitimate grievances. Most grievances can be resolved quickly through informal communication with responsible authorities at the facility in which the problem arose. An inmate should be encouraged to use this method prior to the initiation of a formal grievance. When this method is not possible, the Department of Correction seeks to reduce tension and provide a stable atmosphere by providing formal channels of communication of grievances.

(b) A grievance is a written complaint by an inmate on the inmate's own behalf concerning an action, incident, policy, or condition within the unit or institution or within the Division of Prisons as a whole.

(c) The Administrative Remedy Procedure shall afford a successful grievant a meaningful remedy to include but not be limited to, an order requiring that specific action be taken, modification of Division of Prisons policy, restoration or restitution for personal property, and such other remedies that will meaningfully resolve the grievance presented.

(d) Employees who intentionally obstruct the grievances process shall be subject to disciplinary action.

History Note: Filed as a Temporary Repeal Eff. January 16, 1988 For a Period of 120 Days to Expire on May 13, 1988; Statutory Authority G.S. 148-118.1; Eff. February 1, 1976; Amended Eff. September 1, 1988.

.0302 ACCESSIBILITY

(a) Communication of the Procedure.

(1) A standard written notification of the Administrative Remedy Procedure shall be given to each inmate as a part of orientation at the Diagnostic Center. This notification shall instruct the inmate as to how and where to obtain a grievance Form DC-410. The notification shall also be available at each unit and institution within the Division of Prisons. In addition, as a part of orientation at the Diagnostic Center, each inmate shall have an oral explanation of the procedure and shall have the opportunity to ask questions regarding the procedure.

(2) Any inmate who is incapable of understanding this procedure or completing the grievance form may request assistance. Requested assistance will be provided by staff designated by the Superintendent or Institution Head.

(3) Inmates may obtain assistance in completing their grievances from other inmates where classification and housing assistance permit.

(b) Availability of the Procedure.

(1) A copy of the Administrative Remedy Procedure shall be readily available to all inmates and staff for their information and review. It shall be posted in conspicuous locations throughout the unit or institution and shall be kept current in all libraries and law libraries.

(2) The Procedure shall be available to all inmates, regardless of any disciplinary, classification or other administrative decisions affecting the inmate-grievant.

History Note: Filed as a Temporary Repeal Eff. January 16, 1988 For a Period of 120 Days to Expire on May 13, 1988; Statutory Authority G.S. 148-118.1; Eff. February 1, 1976;

Amended Eff. September 1, 1988.

.0303 REPRISALS

(a) No reprisals shall be taken against any inmate or staff member for a good faith use of or participation in the grievance procedure. The prohibition against reprisals should not be construed to prohibit discipline of inmates who do not use the system in good faith, in accordance with Rule .0306(c)(5).

(b) If an inmate believes that a reprisal has occurred, a grievance stating the reprisal action may be filed or the inmate may submit written comments to the Secretary.

(c) If a staff member believes that a reprisal has occurred as a result of the employee's participation in or assistance with the grievance procedure, a written complaint stating the nature of the reprisal taken against the employee may be filed with the chain of command.

*History Note: Filed as a Temporary
Repeal Eff. January 16, 1988
For a Period of 120 Days to
Expire on May 13, 1988;
Statutory Authority G.S.
148-118.1;
Eff. February 1, 1976;
Amended Eff. September 1, 1988.*

.0304 SUBMISSION OF GRIEVANCES

(a) Any inmate in the custody of the Department of Correction may submit a written grievance on Form DC-410.

(b) An inmate may submit a new grievance once the initial grievance has completed Step 2 review or has been resolved.

(c) If more than one inmate files a grievance concerning the application of general policies or practices, or acts arising out of the same incident, these grievances will be processed as a group. Each grievance shall be logged in individually; however, the same response will be provided to each grievant.

(d) Grievances of an emergency nature will be handled in accordance with Rule .0308.

*History Note: Statutory Authority G.S.
148-118.1;
Eff. September 1, 1988.*

.0305 SCREENING OFFICER

Institution Heads will appoint one or more screening officers to review grievances and decide whether they should be accepted or rejected under the criteria set forth in Rules .0304 and .0306. Superintendents may designate screening officers or screen grievances themselves. The appointment of fair and knowledgeable screening officers

will insure compliance with the grievance procedure and facilitate mediation of grievances at the unit level. No employee who appears to be involved in a grievance shall participate in any capacity in the resolution process, except as a witness where necessary.

*History Note: Statutory Authority G.S.
148-118.1;
Eff. September 1, 1988.*

.0306 REJECTION OF GRIEVANCES

(a) A grievance filed pursuant to these regulations shall be rejected at any level if it:

- (1) Seeks to challenge matters already decided by a State or Federal court;
- (2) Challenges a Parole Commission decision;
- (3) Challenges a disciplinary action; or
- (4) Challenges matters beyond the control of the Department.

(b) In accordance with Rule .0310, a grievance may be rejected at any level if:

- (1) The grievance concerns an action not yet taken or a decision which has not been made.
- (2) There has been a time lapse of more than 30 days between the event and submission of the grievance.
- (3) The inmate has requested a remedy for another inmate.
- (4) The inmate has requested a remedy for more than one incident (see Rule .0304).
- (5) The inmate's grievance directs toward any person language that is generally considered profane, vulgar, abusive, contemptuous, or threatening. Inmates who violate this rule may be subject to disciplinary action. The grievance may be resubmitted for processing once the objectionable language has been eliminated.
- (6) Rules and procedures established herein have not been followed.

*History Note: Statutory Authority G.S.
148-118.1;
Eff. September 1, 1988.*

.0307 TIME LIMITS

(a) From filing to final disposition, all grievances shall be processed within 90 days. For purposes of counting days under the grievance procedure, all references to days shall be interpreted to mean calendar days.

(b) The inmate who submits the grievance will be notified of acceptance or rejection in writing upon the appropriate form, within three days after submission of the grievance.

(c) If, at any step of the procedure, a response is not made within the prescribed time limits, the

grievance will be forwarded to the next step for review.

(d) An appeal shall be filed within 24 hours or the right to appeal shall be waived. The person to whom the appeal is directed has the discretion to accept a late appeal in the event of extenuating circumstances. The 24 hours shall be counted as day one of the next level in the appeal process.

(e) Persons responsible for transmitting grievances shall utilize the quickest means of transmittal available. The postal service and the state courier shall be used in appropriate cases.

(f) At each step of grievance review (see Rule .0310), the time limits are as follows:

- (1) At Step 1, formal written response to the inmate shall be made within 15 days from the date of acceptance of the grievance.
- (2) At Step 2, formal written response to the inmate shall be made within 20 days from the date of request for Step 2 review.
- (3) At Step 3, the Inmate Grievance Examiner (IGE) shall forward the decision to the Secretary of Correction within 20 days from the date of the inmate's appeal. Within 20 days from the date of transmittal of the DC-410 from the IGE, the Director of Prisons shall forward a written response to the Secretary.
- (4) The final decision of the Secretary must be delivered to the inmate within 30 days of the transmittal of the decision from the IGE.

*History Note: Statutory Authority G.S. 148-118.1;
Eff. September 1, 1988.*

.0308 EMERGENCY GRIEVANCES

(a) Emergency grievances shall be defined as matters which present a substantial risk of physical injury or other serious and irreparable harm to the grievant if regular time limits are followed. Emergency grievances shall be forwarded immediately, without substantive review, to the Superintendent, Institution Head or to the level at which corrective action can be taken.

(b) Any inmate who is in need of urgent medical care may present himself to a member of the medical or custodial staff, who shall handle the matter according to emergency health care procedures set out in the Health Care Manual. If an inmate fears for his personal safety, he may contact the officer in charge or any other custodial official. Any request for protective custody will be handled in accordance with departmental regulations.

(c) Matters relating to administrative transfers, time computation disputes, and family illness or

death are not to be treated as emergencies for the purposes of this procedure, but shall be handled expeditiously and compassionately by the Superintendent or Institution Head or their designee where appropriate.

(d) For emergency situations other than medical or protective custody, an inmate may submit the grievance directly to the screening officer or the officer-in-charge, who shall forward the grievance to the level at which corrective action may be taken. The request shall be handled as expeditiously as possible, and shall be reviewed by the appropriate command manager.

*History Note: Statutory Authority G.S. 148-118.1;
Eff. September 1, 1988.*

.0309 CONFIDENTIAL GRIEVANCES

If an inmate is of the opinion that a grievance is of a confidential nature, his grievance may be filed directly with the Director of Prisons and mailed as legal mail. The inmate must clearly explain the nature of the complaint and the reasons for not following the regular grievance procedure. If the Director determines that the grievance is not of a confidential nature, the grievance shall be returned to the inmate with instructions to submit it in accordance with the procedure set forth in Rule .0310. After consideration of the grievance and determination that it is of a confidential nature, the Director shall order any necessary investigation. If the investigation indicates that action should be taken, the Director shall cause the appropriate steps to be taken to resolve the grievance.

*History Note: Statutory Authority G.S. 148-118.1;
Eff. September 1, 1988.*

.0310 GRIEVANCE REVIEW PROCEDURE

(a) Step 1 Review:

- (1) Any aggrieved inmate may submit a written grievance on Form DC-410.
- (2) Upon completion of the form, the inmate may submit it to the Superintendent, designated screening officer, or any other staff member. Grievances may be transmitted by mail or hand delivery.
- (3) An inmate who seeks to file a grievance on general policies or practices may solicit comments on the matter from other inmates. Such solicitation for inmate comment will be permitted provided it does not interfere with the security and orderly operation of the unit or institution. Such comments must be submitted with the grievances when it is filed.

(4) The screening officer shall review the grievance and decide whether it should be accepted or rejected under the criteria set forth in these regulations. This screening shall be completed within three days of the filing of the grievance. If the screening officer determines that the complaint can be considered under the procedure, the officer may forward it to the staff member whom the officer believes can best provide information or relief. The staff member will prepare a written response along with supporting documentation if any. The response will be returned to the screening officer. The screening officer or Superintendent will meet with the inmate to explain the response and attempt to resolve the grievance. If the screening officer meets with the inmate, the officer shall report to the Superintendent or institutional designee. The Superintendent or institutional designee will complete the formal response to the inmate within 15 days from the date of acceptance of the grievance.

(b) Step 2 Review:

- (1) If the inmate is not satisfied with the decision reached at Step 1, he or she may request relief from the Area Administrator or Institution Head. This request for Step 2 review must be made by the inmate in writing on Form DC-410 and submitted to the superintendent, institutional designee, or screening officer upon notification and explanation of the decision reached at Step 1. The completed Form DC-410 shall be submitted to the Area Administrator or Institution Head.
- (2) The Area Administrator or Institution Head may investigate the grievance himself or may assign a staff member to investigate it. If an investigator is assigned, the investigator shall accumulate records gathered at Step 1 and complete the investigation within 15 days after assignment by the Area Administrator or Institution Head. The investigator, if one is used, shall submit the findings in writing with relevant records to the Area Administrator or Institution Head.
- (3) After completing the investigation or after receiving the report of the investigator, the Area Administrator or Institution Head shall complete Form DC-410 indicating the decision and reasons for the decision. All relevant records gathered at Step 1 and Step 2 shall be maintained and filed. The Area Administrator or Institution Head shall complete the written response and

assure that it is delivered to the inmate within 20 days from the date of request for Step 2 review. The Area Administrator or Institution Head may explain the decision to the inmate in an attempt to resolve the grievance. If necessary, another appropriate person such as a screening officer or the Superintendent, may be designated to perform this function.

(c) Step 3 Review:

- (1) If the inmate is not satisfied with the decision reached at Step 2, he or she may appeal to the Secretary of Correction through the Inmate Grievance Examiner (IGE). This appeal must be made in writing on Form DC-410 within 24 hours of notification of the decision and explanation of the decision reached at Step 2. If the inmate appeals, the unit screening officer shall immediately forward the completed Form DC-420 to the Executive Director of the Grievance Resolution Board by postage mail.
- (2) The Executive Director of the Grievance Resolution Board or his or her designee will sign the form and indicate the date of receipt. The Executive Director may serve as one of the Inmate Grievance Examiners. The Inmate Grievance Examiners shall review all grievances that are assigned to them. This review shall be limited to matters brought forward in the grievance and the department's responses.
- (3) In reviewing a grievance, the IGE may conduct an independent investigation, but the investigation will be limited to specific issues brought forward in the grievance. The IGE may rely on any investigations already completed. In investigating the grievance, the IGE shall attempt to resolve the grievance through mediation. The IGE shall have access to inmates, staff, facilities and records relevant to the grievance.
- (4) The IGE will order such relief as is appropriate or deny the grievance. The IGE shall forward any order for relief on Form DC-410 to the Secretary of Correction within 20 days from the date of the inmate's appeal from Step 2. Simultaneously, a copy of the Form DC-410 reflecting the decision shall be forwarded to the Director of Prisons.
- (5) The Director of Prisons or his or her designee shall review the grievance and may make comments to the Secretary of Correction. The Director of Prisons' comments will be forwarded to the Secretary within 20 days from the date of transmit-

tal of Form DC-410 from the Inmate Grievance Examiner. The Secretary shall review the Director of Prisons' comments and then approve the decision of the IGE or make written findings that the relief ordered is not appropriate. If it is determined that the relief ordered is not appropriate, a written explanation for the findings must be given and an alternative order for relief must be made. The Secretary's final decision will be delivered to the inmate by the IGE, with a copy to the Director of Prisons, within 30 days of transmittal of the decision from the IGE.

- (6) The decision by the IGE or a modification by the Secretary of Correction shall constitute the final step of the Administrative Remedy Procedure.

History Note: Statutory Authority G.S. 148-118.1; Eff. September 1, 1988.

.0311 TRANSFERS DURING GRIEVANCE PROCESS

(a) If an inmate who has filed a grievance is transferred to another Division of Prisons facility while his grievance is being considered at Step 1, the Superintendent or Institution Head at the sending unit will assure that review at Step 1 is completed and will forward the grievance to the superintendent or institution head at the receiving unit for further processing.

(b) If an inmate is transferred during the period of Step 2 review, the Superintendent or Institution Head at the sending unit will assure that when review is completed at Step 2, the grievance is immediately sent to the superintendent or institution head at the receiving unit for further processing.

(c) If an inmate who has filed a grievance is no longer in custody of the Division of Prisons or is otherwise unavailable, the reviewing authority shall complete review at the current step. Processing shall then be considered complete and the Form DC-410 will be distributed appropriately. Grievances not fully processed due to the unavailability of the inmate may be re-filed upon the inmate's return.

History Note: Statutory Authority G.S. 148-118.1; Eff. September 1, 1988.

.0312 RECORD MAINTENANCE AND CONFIDENTIALITY

(a) Records regarding the filing and disposition of grievances shall be collected and maintained systematically. Summaries of grievances ap-

pealed to Step 3 shall be submitted quarterly to the Grievance Resolution Board by the Executive Director. Copies of each filed grievance shall be maintained for a minimum of three years after final disposition.

(b) No copies of grievances shall be placed in an inmate's official unit or central file..

(c) Employees of the Department of Correction and the Inmate Grievance Examiners that are participating in the disposition of a grievance shall have access to all relevant records developed by the Department of Correction.

(d) Prison files and records gathered in the Administrative Remedy Procedure other than official responses contained on Form DC-410, and the final response to the inmate at Step 3 are confidential, and will not be released to inmates or any other unauthorized persons. Such records will not be discussed with inmates or unauthorized persons.

History Note: Statutory Authority G.S. 148-118.1; Eff. September 1, 1988.

.0313 GRIEVANCE RESOLUTION BOARD

(a) Appointment. The Governor shall appoint a Grievance Resolution Board to assist in implementation of this procedure. The board shall consist of five members who will serve terms of four years. Three members of the board shall be attorneys selected from a list of 10 persons recommended by the Council of the North Carolina State Bar. The two remaining members shall be knowledgeable and experienced in one or more fields under the jurisdiction of the Secretary of Correction.

(b) Duties. After consultation with the Secretary, the board shall appoint an Executive Director and Grievance Examiners who serve at its pleasure. The board shall review the Administrative Remedy Procedure, meet at least quarterly, and perform those functions assigned to it by the Governor. In addition, the Secretary of Correction may request that the board investigate matters involving broad policy concerns and hold fact-finding hearings to consider the matters presented for investigation. In no event shall such a request by the Secretary result in a delay of the resolution of an inmate's grievance within the 90 days.

(c) Procedure review. The board shall evaluate the Administrative Remedy Procedure at least quarterly. The board shall accept comments on the grievance procedure from staff and inmates. These comments should include perceptions regarding the effectiveness and credibility of the procedure. All evaluations of the procedure shall be reviewed by the Secretary of Correction.

*History Note: Statutory Authority G.S.
148-118.1;
Eff. September 1, 1988.*

LIST OF RULES AFFECTED

NORTH CAROLINA ADMINISTRATIVE CODE

EFFECTIVE: August 1, 1988

AGENCY				ACTION TAKEN
<u>DEPARTMENT OF ADMINISTRATION</u>				
1	NCAC	1B	.0108	Repealed
			.0307	Repealed
			.0701	Amended
		5A	.0010	Amended
		5D	.0508	Amended
		6B	.0203 - .0205	Amended
			.0303	Amended
			.0306	Amended
			.0309	Amended
			.0501	Amended
			.0506	Repealed
			.0509 - .0510	Amended
			.0602	Repealed
			.0607	Amended
		15	.0207	Amended
			.0214	Amended
			.0408	Repealed
			.0601 - .0607	Repealed
			.0701 - .0704	Repealed
		22	.0102	Amended
			.0205	Amended
		23	.0001	Amended
		24	.0001	Amended
		25	.0702	Amended
			.0704	Amended
		33	.0205	Amended
		37	.0101 - .0103	Adopted
			.0201 - .0207	Adopted
			.0301 - .0307	Adopted
<u>DEPARTMENT OF AGRICULTURE</u>				
2	NCAC	22B	.0001	Amended
		34	.0102	Amended
			.0206	Repealed
		36	.0001 - .0002	Repealed
<u>DEPARTMENT OF COMMERCE</u>				
4	NCAC	2R	.0404	Amended
		3B	.0102 - .0103	Amended
			.0207	Repealed
			.0215	Amended
		3C	.0111	Amended
			.0208	Repealed
			.0402	Repealed
		3G	.0001	Amended
		5B	.0102 - .0104	Amended
			.0204 - .0205	Repealed
			.0207	Repealed

LIST OF RULES AFFECTED

7 .0507 Amended

GOVERNOR'S OFFICE

9	NCAC	3L	.0101 - .0102	Adopted
			.0201 - .0205	Adopted
			.0301 - .0304	Adopted
			.0401 - .0403	Adopted
			.0501 - .0505	Adopted
			.0601 - .0606	Adopted
			.0701 - .0704	Adopted
			.0801 - .0803	Adopted
			.0901 - .0904	Adopted
			.1001 - .1002	Adopted
			.1101 - .1102	Adopted

DEPARTMENT OF HUMAN RESOURCES

10	NCAC	3H	.0109	Amended
		7A	.0209	Amended
		8D	.0204	Amended
			.0401	Amended
			.1208	Amended
		9D	.0302 - .0303	Amended
			.0328	Amended
		10A	.1935	Amended
			.1943	Amended
			.1955 - .1956	Amended
			.1961	Amended
			.1963	Repealed
		10G	.0103	Amended
			.0202 - .0203	Amended
			.0502 - .0503	Amended
			.0601	Amended
		22G	.0905	Adopted
		24A	.0505	Amended
		41A	.0007	Amended
		45H	.0206	Amended
		49A	.0002	Amended
		49B	.0301	Amended
			.0303 - .0306	Amended
			.0308	Amended
			.0310 - .0311	Amended
			.0313	Amended
		49C	.0101	Amended
			.0104	Amended
		49D	.0001 - .0002	Amended
		49E	.0001	Amended

DEPARTMENT OF INSURANCE

11	NCAC	1	.0104 - .0105	Repealed
			.0106 - .0107	Amended
			.0203 - .0204	Amended
			.0301 - .0303	Amended
			.0401	Amended
			.0407	Amended
			.0409 - .0411	Amended
			.0412	Repealed

LIST OF RULES AFFECTED

		.0601 - .0603	Amended
		.0604 - .0605	Repealed
3		.0002	Amended
		.0005	Amended
		.0008	Adopted
11E		.0110	Temp. Adopted
			Expires 01-18-89

DEPARTMENT OF JUSTICE

12	NCAC	2I	.0401	Amended
		7B	.0101	Amended
			.0112	Amended
			.0114	Amended
			.0116	Amended
			.0904	Amended
		7D	.0301	Amended
			.0408	Amended
			.0703	Amended
		11	.0102 - .0103	Amended
			.0122	Adopted
			.0206	Amended

DEPARTMENT OF LABOR

13	NCAC	7C	.0101	Amended
			.0102	Amended
		13	.0301	Amended
		14	.0504 - .0505	Amended
			.0603	Amended
			.0813	Amended
			.0815	Amended

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

14A	NCAC	8A	.0001 - .0002	Amended
		8H	.0201 - .0207	Amended
			.0301 - .0303	Amended
			.0401 - .0405	Amended
			.0501 - .0502	Amended
			.0503	Repealed
			.0504	Amended
			.0601 - .0606	Amended
			.0701 - .0703	Amended
			.0801	Amended
			.0803	Amended
			.0901 - .0902	Amended
			.1002	Amended
			.1101 - .1104	Amended
			.1201 - .1202	Amended
			.1301 - .1302	Amended
			.1401 - .1404	Amended
			.1501 - .1502	Amended
			.1504	Amended
			.1601	Amended
			.1602	Repealed
			.1603 - .1604	Amended
			.1701 - .1705	Amended
			.1801 - .1805	Amended

LIST OF RULES AFFECTED

	.1901 - .1903	Amended
8I	.0001 - .0002	Amended
9H	.0703	Amended

DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

15	NCAC	1B .0221	Amended
		1F .0004	Amended
		2B .0316	Amended
		2H .0101	Amended
		.0103	Amended
		.0105	Amended
		.0107 - .0109	Amended
		.0127	Amended
		.0129 - .0131	Amended
		.0133	Amended
		.0137	Amended
		.0142	Adopted
		.0203	Amended
		.0205	Amended
		.0208	Amended
		.0212	Repealed
		.0213	Amended
		.0219	Amended
		.0222	Adopted
		.0603	Amended
		.0605	Amended
		.0609	Adopted
	2K	.0402	Amended
	4A	.0002 - .0004	Repealed
	4B	.0002 - .0003	Repealed
		.0005	Amended
		.0007	Amended
		.0018	Amended
		.0019	Repealed
		.0023	Repealed
	4C	.0001	Repealed
		.0004	Repealed
		.0010	Amended
	4D	.0001	Repealed
		.0002	Amended
	4E	.0104	Amended
		.0105	Repealed
		.0203	Amended
		.0302	Repealed
		.0406	Amended
		.0503	Amended
	5A	.0102	Repealed
	5C	.0002	Amended
		.0022	Repealed
		.0027 - .0028	Repealed
	5D	.0002	Repealed
		.0003	Amended
	5F	.0008 - .0009	Amended
	5G	.0001	Repealed
	7I	.0303 - .0304	Repealed
	7J	.0304	Repealed
	8A	.0101 - .0102	Amended
		.0110	Repealed

LIST OF RULES AFFECTED

	.0202	Amended
	.0302	Amended
	.0502	Amended
8B	.0101	Amended
	.0105	Amended
	.0107	Repealed
	.0303 - .0304	Amended
	.0401	Repealed
	.0402	Amended
	.0501	Repealed
	.0503 - .0505	Repealed
8C	.0001	Repealed
	.0002	Amended
8D	.0002	Amended
9C	.0510 - .0513	Amended
10B	.0115	Amended
	.0403	Amended
10F	.0102	Amended
	.0201 - .0202	Amended
	.0304	Amended
10G	.0102	Amended
10H	.0407	Amended
	.0701	Amended
	.0801	Amended
10I	.0001	Amended
12A	.0003	Repealed
	.0005	Amended
12C	.0102	Amended
	.0306	Amended
12F	.0202	Amended
12G	.0102	Amended
	.0104	Repealed
	.0205	Repealed
	.0302	Repealed
12H	.0103	Amended
	.0205	Amended
	.0302 - .0303	Amended
	.0306	Amended
12J	.0102	Amended
13L	.0403	Amended
16B	.0101	Amended
17A	.0001	Amended
17B	.0102	Amended
	.0201	Amended
	.0502	Amended
	.0702	Amended
17C	.0001 - .0004	Amended
	.0005	Repealed
	.0006	Amended

DEPARTMENT OF REVENUE

17	NCAC	7B	.0206	Amended
			.0406	Amended
			.1105	Amended
			.1108 - .1110	Amended
			.1112 - .1114	Amended
			.1201	Amended
			.1401 - .1403	Amended

LIST OF RULES AFFECTED

	.1405	Amended
	.1705	Amended
	.2903	Amended
	.4201 - .4202	Amended
	.4501	Amended
	.4512	Repealed
	.5425 - .5427	Repealed
	.5433	Amended
	.5443	Amended
7C	.0103 - .0105	Amended
	.0108	Repealed
	.0201 - .0203	Amended
	.0204	Repealed
	.0206 - .0207	Repealed

DEPARTMENT OF STATE TREASURER

20	NCAC 1F	.0301	Amended
		.0302 - .0314	Repealed
	2A	.0101	Amended
		.0103	Amended
	2B	.0706	Amended
		.1005	Amended
	2C	.0704	Amended
		.1003	Amended
		.1603	Amended
	2D	.0101	Repealed
		.0201 - .0209	Repealed
		.0211 - .0214	Repealed
	4	.0205	Amended
		.0206	Repealed
		.0208	Amended
		.0210	Amended
		.0306	Amended
		.0309	Amended

BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

21	NCAC 8G	.0403	Amended
	8H	.0005	Adopted
	8J	.0002 - .0003	Amended
	8K	.0104	Amended

BOARD OF COSMETIC ART EXAMINERS

21	NCAC 14B	.0106	Repealed
	14C	.0202	Amended
		.0301	Repealed
	14D	.0302	Amended

BOARD OF LANDSCAPE ARCHITECTS

21	NCAC 26	.0102	Repealed
		.0103	Amended
		.0105	Amended
		.0202	Repealed
		.0203 - .0204	Amended
		.0301	Amended
		.0303	Amended

LIST OF RULES AFFECTED

		.0304 - .0305	Repealed
		.0401	Amended
<u>BOARD OF MEDICAL EXAMINERS</u>			
21	NCAC 32J	.0001 - .0003	Adopted
	32K	.0101 - .0104	Adopted
		.0201 - .0208	Adopted
<u>BOARD OF MORTUARY SCIENCE</u>			
21	NCAC 34	.0105 - .0107	Amended
		.0117 - .0118	Amended
		.0202	Amended
		.0210 - .0211	Amended
		.0220	Amended
		.0225	Amended
		.0402 - .0404	Amended
		.0608 - .0609	Amended
		.0701 - .0702	Repealed
		.0708 - .0709	Amended
		.0711 - .0712	Amended
<u>BOARD OF NURSING</u>			
21	NCAC 36	.0218	Amended
<u>BOARD OF PHARMACY</u>			
21	NCAC 46	.1601	Amended
		.1804	Amended
<u>REAL ESTATE LICENSING BOARD</u>			
21	NCAC 58A	.0301	Amended
<u>COMMUNITY COLLEGES</u>			
23	NCAC 2D	.0202	Amended
<u>OFFICE OF STATE PERSONNEL</u>			
25	NCAC 1I	.0203	Amended
<u>OFFICE OF ADMINISTRATIVE HEARINGS</u>			
26	NCAC 3	.0001	Amended

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

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1	Administration, Department of
2	Agriculture, Department of
3	Auditor, Department of State
4	Commerce, Department of
5	Corrections, Department of
6	Council of State
7	Cultural Resources, Department of
8	Elections, State Board of
9	Governor, Office of the
10	Human Resources, Department of
11	Insurance, Department of
12	Justice, Department of
13	Labor, Department of
14A	Crime Control and Public Safety, Department of
15	Natural Resources and Community Development, Department of
16	Education, Department of
17	Revenue, Department of
18	Secretary of State, Department of
19A	Transportation, Department of
20	Treasurer, Department of State
*21	Occupational Licensing Boards
22	Administrative Procedures
23	Community Colleges, Department of
24	Housing Finance Agency
25	State Personnel, Office of
26	Administrative Hearings, Office of

NOTE: Title 21 contains the chapters of the various occupational licensing boards.

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4	Auctioneers, Commission for
6	Barber Examiners, Board of
8	Certified Public Accountant Examiners, Board of
10	Chiropractic Examiners, Board of
12	Contractors, Licensing Board for
14	Cosmetic Art Examiners, Board of
16	Dental Examiners, Board of
18	Electrical Contractors, Board of Examiners of
20	Foresters, Board of Registration for
21	Geologists, Board of
22	Hearing Aid Dealers and Fitters Board
26	Landscape Architects, Licensing Board of
28	Landscape Contractors, Registration Board of
31	Martial & Family Therapy Certification Board
32	Medical Examiners, Board of
33	Midwifery Joint Committee
34	Mortuary Science, Board of
36	Nursing, Board of
37	Nursing Home Administrators, Board of
38	Occupational Therapists, Board of
40	Opticians, Board of
42	Optometry, Board of Examiners in

44	Osteopathic Examination and Registration, Board of
46	Pharmacy, Board of
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50	Plumbing and Heating Contractors, Board of
52	Podiatry Examiners, Board of
53	Practicing Counselors, Board of
54	Practicing Psychologists, Board of
56	Professional Engineers and Land Surveyors, Board of
58	Real Estate Commission
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63	Social Work, Certification Board for
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- AO - Administrative Order
- AG - Attorney General's Opinions
- C - Correction
- E - Errata
- EO - Executive Order
- FDL - Final Decision Letters
- FR - Final Rule
- GS - General Statute
- JO - Judicial Orders or Decision
- LRA - List of Rules Affected
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